

shall have or engage in any other profession, trade, or business whatsoever:

Provided that—

- (a) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such Officer shall fill no other appointment than those specified in this section.
- (b) The Chairman may also hold the office of Commissioner of Police, or of Commissioner as interpreted in section one of Bengal Act No. V of 1870 (to appoint Commissioners for making Improvements in the Port of Calcutta); and may perform such other duties as the Local Government may from time to time assign to the Commissioner of Police.
- (c) The Chairman may also be a member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.
- (d) The Vice-Chairman may, with the sanction of the Local Government, be appointed to and may hold any other office in the employ of the Commissioners to which he may be appointed at a special general meeting.

34. The Chairman and the Vice-Chairman respectively may receive such allowances out of the Municipal Fund as shall be,

• Allowances of Chairman and Vice-Chairman.

from time to time, fixed by the Commissioners at a special general meeting.

Such allowance shall not exceed—

- (a) for the Chairman three thousand rupees a month (exclusive of house-rent, which may or may not in the discretion of the Commissioners be allowed);
- (b) for the Vice-Chairman twelve hundred rupees a month.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

35. Every Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor, appointed as hereinbefore provided, may receive

such allowance out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

36. The Chairman may from time to time appoint all such Overseers, Clerks, Subordinate Officers, and servants, as he shall think necessary and proper to assist in carrying out this Act, and may from time to time remove any of such persons and appoint others in their place;

and may, with the sanction of the Commissioners in meeting, other than an ordinary meeting, pay out of the Municipal Fund such allowances to the said persons respectively, or, in case of absence on leave, such portion thereof as he shall think reasonable; Provided that the allowances of the offices filled by the said persons shall have been sanctioned in meeting, other than an ordinary meeting.

But no person shall be appointed to, or removed from, any office the monthly salary of which exceeds two hundred rupees, without the sanction of the Commissioners in meeting, other than an ordinary meeting.

37. The Commissioners may in meeting, other than an ordinary meeting, with the sanction of the Local Government, grant such leave of absence to the Chairman or any Officer appointed under sections thirty-one and thirty-two, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the Local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other Officer shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other Officer for whom he may be appointed to act would, under this Act, have or be liable to.

38. In any case in which leave of absence shall be granted under the last preceding section, the Commissioners may in meeting,

Allowances during absence on leave.

other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction of the Local Government, out of the Municipal Fund, pay to the Chairman or other Officer aforesaid such allowance during absence on leave as shall to them seem proper.

39. The Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for pensions and gratuities to be granted, and to be paid out of the Municipal Fund, to their officers and servants, and may repeal, alter, or add to such rules.

No rule, and no repeal, or alteration of, or addition to any rule, shall have effect until the same has been confirmed by the Local Government and published in the *Calcutta Gazette*.

The Commissioners may in meeting, other than an ordinary meeting, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit.

40. No Chairman or Vice-Chairman, or other officer or servant of the Commissioners shall be interested directly or indirectly in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit brought by or on behalf of the Commissioners.

Officers, &c., not to be interested in contracts made with the Commissioners.

Provided that no person shall, by reason of being a shareholder in, or a member of, any incorporated or registered Company, be deemed interested in any contract entered into between such Company and the Commissioners.

41. If any person employed under this Act (not being a public servant within the meaning of Section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act ;

or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person, with the Commissioners or with any public servant, or with the Government, as such, he shall be punished with imprisonment, either simple or rigorous as provided in section 53 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

**PART IV.—Of the Mode of transacting Business and entering into Contracts.**

42. The Commissioners shall provide and keep an office within the Town, and shall at such office, and during all days of business, keep open a book in which shall be entered all reasonable complaints made, orally or by letter, by any inhabitant, or the owner, or occupier of any house or land within the Town, of any matter cognizable by the Commissioners ;

and the proper Officer of the Commissioners shall forthwith enquire into the truth of all such complaints, and report thereon to the Commissioners ; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant, or owner, or occupier of any house or land within the Town.

43. There shall be four quarterly meetings in every year, and one ordinary meeting in every month, at which the Commissioners shall meet for the transaction of general business.

The quarterly meetings shall be held in the months of January, April, July, and October, or in any month to which the quarterly meetings first called for the months of January, April, July, and October may be adjourned ; and the ordinary meetings at such dates as the Commissioners in meeting may from time to time direct.

Provided that no ordinary meeting need be called if there be no business to be laid before it by the Chairman or by any of the Commissioners.

44. The Commissioners shall, from time to time, as occasion may require, at a special meeting to be convened for that purpose or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said ordinary and quarterly meetings ; and no business, save such kind of business, shall be transacted at such meetings :

But the Chairman may postpone the discussion of any question that may be raised at any such meeting, and refer the determination thereof to a

special or special general meeting to be convened within fourteen days thereafter.

45. The Chairman or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special or special general meeting of the Commissioners.

Previous to any such meeting, at least five days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in at least two of the daily newspapers published within the Town.

46. No business shall be brought before, or transacted at, any special or special general meeting other than the business specified in the notice given under the last preceding section :

Provided that any Commissioner may submit to a special or special general meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than two clear days' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

47. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Commissioners present at the meeting before which the matter may be brought.

48. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause ; and the Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place ; but no business shall be transacted at any adjourned meeting, other than the business left unfinished at the meeting from which such adjournment took place.

49. No business shall be transacted at any meeting unless a quorum of Commissioners be present at such meeting, that is to say :—

- (a) At an ordinary meeting at least six ;
- (b) At a special meeting at least nine ;
- (c) At a special general, or quarterly meeting, at least eighteen.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient

time and place as he shall think fit; and the business which should have been brought before the original meeting had there been a quorum present, shall be brought before, and disposed of by the adjourned meeting in the usual manner, whether there be a quorum present at such adjourned meeting or not;

Provided also that no business shall be brought before an adjourned special general or quarterly meeting, unless there are at least ten Commissioners present at such adjourned meeting.

**50. Minutes of the proceedings of all meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and minutes of each meeting shall be laid on the table at the next subsequent meeting, and the said Minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.**

**51. At any special general or quarterly meeting, unless a poll be demanded by at least five Commissioners, and at any special or ordinary meeting, unless a poll be demanded by at least three Commissioners, a declaration by the President that a resolution has been carried, and an entry to that effect in the Book of Proceedings of the Commissioners shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against such resolution.**

**52. If a poll be demanded as in the last preceding section mentioned, the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting.**

**53. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with or arising under this Act, and, when so attending, shall have all the powers vested by this Act in the Commissioners; and they may respectively exercise the like powers at all times in carrying out the orders of the Commissioners, or in executing any work sanctioned by them, and generally in the management of the business aforesaid:**

Provided that no Chairman or Vice-Chairman shall act in opposition to, or contravention of, any order of the Commissioners, or exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting.

**54. The Commissioners may enter into and perform all such contracts as may be necessary for carrying this Act into effect.**

Every contract made on behalf of the Commissioners in respect of any sum exceeding one thousand rupees, or in respect of any property

exceeding one thousand rupees in value, shall be in writing, and signed by the Chairman (or, in his absence, by the Vice-Chairman), and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such contract shall be made without inviting tenders thereon, and without the approval of a Committee of the Commissioners.

Unless so executed it shall not be binding on the Commissioners.

The Commissioners may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

**55. The Commissioners in meeting may from time to time appoint, from among the Commissioners, such and so many Committees, either of a general or of a special nature, and consisting of such number of persons as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Commissioners would be better regulated or managed with the advice and aid of any such Committee:**

Provided that the Chairman or Vice-Chairman shall be a member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Commissioners at a meeting;

Provided also that in cases where the Chairman and the majority of the Committee differ on any matter, no action shall be taken in respect of such matter until it be disposed of by the Commissioners in meeting.

#### PART V.—Of the Estimates of Income, Expenditure, and Audit.

**56. At the quarterly meeting to be held in the month of October in each year, the Chairman shall lay before the Commissioners a Budget or Estimate, prepared by him, of the income**

and expenditure of the Commissioners (not mentioned in Chapter VIII) for the year commencing on the first day of January then next succeeding, in such detail and form as the Commissioners shall from time to time, by order passed at a quarterly or special general meeting, direct.

Such Budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least seven days prior to the meeting before which the Budget is to be laid.

**57. The Budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.**

Provided that nothing contained in this section shall preclude the Commissioners in meeting from

sanctioning expenditure not provided for in the Budget.

58. It shall be in the discretion of the Commissioners at the meeting referred to in section fifty-six to pass or to reject, or to modify, the estimates of all or any sums entered in the Budget.

No new work or series of works, the entire estimated cost of which shall exceed fifty thousand rupees, shall be commenced without the sanction of the Local Government.

59. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year at such time and by such auditors as shall, from time to time, be appointed by the Local Government.

60. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

61. If any such person neglect or refuse to make or sign such declaration, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

62. All auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Commissioners in meeting, other than an ordinary meeting, shall from time to time determine.

63. Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which the same will be made, by advertisement in at least two of the daily newspapers, published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners, and be open during office hours thereat, to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the *Calcutta Gazette*.

#### PART VI.—Of the Fixing of Rates.

64. At the quarterly meeting to be held in the month of October in each year as aforesaid, the Commissioners shall fix the rates at which the rates and taxes hereinafter mentioned shall be imposed for the year commencing on the first day of January then next ensuing, and the rate so fixed shall not be altered before the quarterly meeting held in the next succeeding month of October, except by a resolution passed by the Commissioners at a special general meeting.

### CHAPTER III.

#### OF TAXES.

##### PART I.—Of the Tax on Carriages and Animals.

65. A tax at a rate not exceeding the rates specified in the second schedule shall be imposed upon all carriages and animals kept within the Town, and shall be payable in advance. But it shall not be imposed on—

- animals belonging to Officers doing regimental duty at the Presidency, at the rate of one animal for each Officer;
- animals exempt from any municipal tax under section 25 of the Indian Volunteers' Act, 1869;
- carriages or animals belonging to the Government or to the Commissioners;
- carriages, the wheels of which do not exceed twenty-four inches in diameter;
- animals under eleven hands in height;
- carriages kept for sale by *bond fide* dealers in such carriages and not used for any other purpose;
- animals used by, or in, any cavalry regiment, or by the Police Force.

66. The person in possession of every carriage or animal kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the office of the Commissioners, a statement in writing signed by him, containing a description of the carriages and animals in his possession liable to the tax.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the carriages and animals specified in such statement, according to the rates given in the second schedule.

Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of any carriage or animal so kept, shall, within a week of becoming so possessed, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year, according to the rates specified in the second schedule.

The Commissioners may, if they are satisfied that any such carriage or animal has been kept for only a portion of the then current half-year, remit the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section a livery stable-keeper shall be deemed to be possessed of every animal in his stables.

67. Whenever any person shall pay to the Commissioners the amount of the tax which under the two last preceding sections shall be payable by him in respect of all carriages and animals kept within the Town, the Commissioners shall grant to such person a license to keep within the Town such carriages and animals during the current half-year ending upon the first day of January, or the first day of July which shall occur next after the grant of such license, and no longer.

68. Whoever keeps or is in possession of any carriage or animal without the license required by the two last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

69. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers, and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons, in lieu of the taxes specified in the second schedule.

70. Whoever, having compounded for the payment of a certain sum under the last preceding section, refuses to pay such sum, shall be liable to a fine not exceeding three times the amount payable by him in respect of such composition, exclusive of the amount so payable.

71. The Commissioners may, by a notice in writing under their common seal, require any person who shall carry on the trade or business of a livery stable-keeper, to produce, for the inspection of the Commissioners or of any officer authorized by them in that behalf, all books and accounts relating to the business of a livery stable-keeper carried on by such person.

72. The Commissioners or any person authorized by them in that behalf, may at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under sections sixty-five and sixty-six, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

73. Whoever neglects or refuses to comply with a notice served under section seventy-one, and whoever hinders or obstructs the Commissioners or any person appointed by them, from or in entering or inspecting any stable, coach-house, or place, in the manner provided in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

74. The Commissioners shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the office of the Commissioners and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section sixty-seven, and of the carriages and animals in respect of which the same has been granted.

#### PART II.—Of the Tax on Professions, Trades, and Callings.

75. Every person who shall, within the Town, exercise any of the professions, trades, or callings, specified in the third schedule, shall yearly take out a license, and shall pay for the same such sum as is in the third schedule mentioned.

The Commissioners may in their discretion remit any portion of the sum so payable if they are satisfied that any such person has exercised any such profession, trade, or calling, for a portion of the year only.

76. The license mentioned in the last preceding section shall be granted by the Commissioners or by some person authorized by them in that behalf, and shall specify, the date of the grant thereof, the name of the person to whom the license is granted, the profession, trade, or calling for which the license is granted, and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year in which it is granted until the thirty-first day of December next after the day of the granting thereof, and no longer.

77. Whoever exercises any trade, profession, or calling without the license required by section seventy-five, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

78. The Chairman, or some other officer authorized by him in that behalf, shall determine under which of the classes mentioned in the third schedule, every person to whom a license may be granted shall be assessed, and the Chairman may in his discretion remit the payment of license tax either in whole or in part to any person classified under Classes 5 or 6 of the third schedule.

79. Any person may, within fourteen days of the date of his being informed of the class under which he has been assessed as determined in the last preceding section, appeal against such assessment by delivering at the office of the Commissioners an application in writing stating the grounds of appeal; and such appeal shall be heard and determined by not less than three Commissioners other than Executive-Officers of the Commissioners.

No such appeal shall be heard unless the amount of the license assessed as aforesaid has been deposited with the Commissioners.



If no appeal be made within the time limited as aforesaid, the decision of the Chairman or Vice-Chairman shall be final.

**80.** The Commissioners may, by a notice in writing under their common seal, require the occupier of any house to forward to them a list in writing signed by him of the names of all persons residing in such house, and of their respective professions, trades, and occupations.

**81.** Whoever being the occupier of any house fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

**82.** As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under sections seventy-five and seventy-six which shall state

the profession, trade, or calling of every such person therein named; the class under which he is assessed; and the sum paid by him in respect of his license; and such list shall be kept in the office of the Commissioners and be open to public inspection at all reasonable times.

#### PART III.—Of the Registration of Carts.

**83.** Every cart kept or used within the Town, or the Suburbs, or Howrah, shall be registered in the office of the Commissioners with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

**84.** Whoever keeps or is in possession of a cart not duly registered as required by the last preceding section, shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required by the last preceding section, shall be liable to a fine not exceeding five rupees.

**85.** The registration of carts, under the last preceding section, shall be made and the numbers assigned half-yearly, on or after the first day of January and the first day of July in each year, upon such days as the Commissioners shall appoint, and a fee of four rupees shall be paid for each registration.

The Commissioners may in their discretion remit any portion of the fee so payable if they are satisfied that the cart hereinbefore required to be registered has been kept or used as in the last preceding section mentioned for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last mentioned registration.

One-sixth of the total net proceeds of the fees half-yearly received by the Commissioners for the

registration of carts, after deducting charges incurred in and about such registration, shall be paid half-yearly by the Commissioners to the municipality of the Suburbs, and one-twelfth of such proceeds to the municipality of Howrah.

Provided that it shall be in the discretion of the Local Government, from time to time, to alter the proportion of the said proceeds required by this section to be paid by the Commissioners to the municipalities of the Suburbs and of Howrah respectively, and to prescribe such other proportions as to it shall seem proper.

**86.** The three last preceding sections shall not apply to carts—

- (a) which are the property of the Government,
- (b) which are the property of the Commissioners, the Municipal Commissioners of the Suburbs, or of Howrah.
- (c) or which are kept at any place more than eight miles distant from Government House, and are only temporarily and casually used within the Town, the Suburbs, or Howrah.

**87.** If any person owns or keeps any cart hereinbefore required to be registered, without having caused the same to be registered, the Commissioners or

any Officer authorized by them in that behalf, may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animals or cattle drawing the same, and may detain them;

and all Police Officers shall, on the application of the Commissioners or their Officers as aforesaid, seize and detain any such cart, animals, or cattle.

If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of a Justice of the Peace, or Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the Municipal Fund of Calcutta.

#### CHAPTER IV.

##### OF RATES.

#### PART I.—Of Imposing the Rates.

**88.** The Commissioners shall, as provided in section sixty-four, impose upon all houses and land within the town the following annual rates, which shall be calculated on the annual value of the said houses and land—

- (a) a House-rate, not exceeding ten per centum;
- (b) a Water-rate, not exceeding six per centum when the houses and land are situated in streets supplied with filtered water in the manner provided by section one hundred and twenty-nine, and not exceeding five per centum when the houses and lands are situated in streets not so supplied.
- (c) a Police-rate, not exceeding three per centum;
- (d) a Lighting-rate, not exceeding two per centum.

The Commissioners may impose upon all houses and land situated within the boundaries declared under section one hundred and sixty-eight an annual Drainage-rate, not exceeding two and a half per centum of their annual value.

89. The House-rate and Drainage-rate shall be payable by the owners of the houses and land.

The Water-rate shall (save as is provided in sections ninety-nine and one hundred) be payable by the occupiers of the houses and land.

The Police and Lighting-rates shall (save as is provided in section one hundred) be payable by the occupiers of the houses and land.

All the rates hereinbefore mentioned shall be payable by quarterly instalments.

The House-rate shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

The Water-rate shall (save as is provided in section ninety-nine) be payable in advance on the dates above mentioned for the current quarter.

The Police and Lighting-rates shall be payable in advance on the dates above mentioned for the current quarter.

#### PART II.—Of the Owner's Rates.

90. If the annual value of any house or land as assessed under Chapter V,

If assessment be made at a higher annual value than the amount paid by the occupier, owner may recover difference from him.

shall in any case exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him.

91. Where any house or land, whereon the rate is assessed under Chapter V, has been vacant for sixty consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house or land has been vacant, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

92. No remission shall be made under the last preceding section, unless the same shall be applied for within six months from the date of cessation of occupation of the house or land on account of which the remission is applied for.

No remission unless application be made within six months from vacancy.

#### PART III.—Of the Occupier's Rates.

93. Whenever any quarterly instalment of Water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such Water-rate shall be entitled to be repaid by the Commissioners three-fourths of

Refund of Water-rate when house ceases to be occupied.

such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

94. Whenever any quarterly instalment of Police and Lighting-rates shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

Refund of Police and Lighting-rates when house ceases to be occupied.

95. No refund of rates shall be made under the two last preceding sections, unless the same is applied for within six months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

96. Whenever any house or land, which shall have been unoccupied, shall be occupied during any quarter, there shall be forthwith payable in respect of such house or land, such amount of the Water, Police, and Lighting-rates as shall bear to the entire quarterly instalments of the said rates for such house or land the same proportion as the residue of such quarter after such house or land shall be occupied bears to an entire quarter.

97. Whenever any person holding any house or land at a rent from the person liable to pay the House-rate has or may sublet the same to different persons holding in severalty, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

98. Whenever the person from or by whom the Water-rate shall have been recovered or paid shall not be the owner of the house or land in respect of which the Water-rate shall have been assessed, such person may recover from the owner of such house or land one-fourth of the Water-rate so paid by deducting the same from the rent payable by him to such owner.

99. Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one-fourth of the sum which would have been payable as Water-rate by the occupier if such house or land had been occupied.

The sum payable by the owner under this section shall be payable on the first of April, the

When house or land unoccupied, owner to pay one-fourth of Water-rate.

first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

**100.** If any house is occupied by more than

Power to assess owners one person holding in certain cases, severally, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the Water, Police, and Lighting-rates upon the owner of such house, or upon the owner of the land on which such house is situated.

**101.** If the Water-rate is paid by the owner

Owner to recover from occupier water-rate paid by owner. of any house or land under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier three-fourths of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier three-fourths of such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

**102.** If the Police and Lighting-rates are

Owner to recover from occupier police and lighting-rates paid by owner. paid by the owner of any house or land under section one hundred, such owner may, if there be but one occupier of the house, recover from such occupier the entire amount of the rates so paid by such owner;

and if there be more than one occupier, he may recover from each occupier such sum as shall bear to the entire amount of rates so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

**103.** Every owner who, under the provisions

Owner to have same power for recovering rates as for recovering rent. of the two last preceding sections, may be entitled to recover any sum from the occupier of any house or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the house as may be in his occupation.

## CHAPTER V.

### OF THE ASSESSMENT OF HOUSES AND LAND.

**104.** The estimated gross annual rent at which

Annual value of house or land how to be ascertained. any house or land, liable to rate under this Act, might reasonably be expected to let from year to year, shall, for the purposes of any rate to be imposed under this Act, be held and be deemed to be the annual value of such house or land.

The value of land so estimated shall not include the value of any machinery thereupon.

Provided that all the unoccupied land, roads, and slopes of the Port Commissioners shall be rated at the rent for which the said land, roads, or slopes might be reasonably expected to let, in the same manner as if the said land, roads, and slopes were used for other than public purposes, and belonged to persons other than a public body, save and except the road extending from the northern boundary of the premises occupied by the East India Railway Company at Armenian Ghât

to the Chitpore canal, and the road extending from the Chitpore road to the river Hooghly at Oomartollah Ghât, for a width not exceeding seventy feet and sixty feet respectively, which shall be exempted from assessment of any rate under this Act.

**105.** All assessments made by the Commis-

Annual value to be assessed by the Commissioners; assessment to remain in force for six years. sioners prior to the commencement of this Act shall remain in force during the period for which they were so made, and on the expiration of such assessments, the annual value at which any house or land is to be assessed shall be fixed by the Commissioners, and such house or land shall be assessed upon the value so fixed for six years from the date on which it is so fixed.

**106.** If, during the currency of any period

When substantial improvement made, Commissioners may re-assess. mentioned in the last preceding section, any substantial alteration and improvement is made to any such house or land, the Commissioners may cause such house or land to be again assessed, even though such period has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment.

**107.** If, during the currency of any period men-

When substantial injury done, Commissioners may re-assess. tioned in section one hundred and five, any such house or land shall receive substantial injury through fire, cyclone, the act of God, or civil commotion, or suffers material depreciation from any cause proved to the satisfaction of the Commissioners to have been beyond the control of the owner or occupier thereof, the Commissioners shall, as soon as practicable, on application being made to them in writing by the owner or occupier of such house or land, cause such house or land to be again assessed, even though the current period of assessment has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment;

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of assessment, to the house or land which shall have been again assessed as aforesaid, the Commissioners may cause such house or land to be again assessed as under section one hundred and six.

**108.** The annual value assessed by the Com-

Annual value assessed to be entered in a book. missioners as hereinbefore provided, shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written in distinct columns—

- (a) the name of the owner;
- (b) the name of the occupier, if the occupier is the person liable to pay the rate;
- (c) a designation of the property, sufficient to identify the same, together with the name and number of the street (if any) in which it is situated;
- (d) the amount of the rate assessed thereon; and
- (e) the amount of the rate assessed on the house and on the land respectively, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land.



The book required to be kept under this section is hereinafter called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

**109.** The Commissioners shall from time to time make a valuation or measurement of all houses and land within the Town, and for such purpose may divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement district by district, and shall enter the same in the assessment book.

**110.** The Commissioners may require the owner or occupier of any house or land, to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land, after giving a notice in writing of not less than twenty-four hours.

**111.** Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house or land, shall be liable to a fine not exceeding two hundred rupees for every such offence.

**112.** When the valuation or measurement of any of the districts of the Town, into which it may have been divided by the Commissioners, shall have been completed, the Commissioners shall give public notice thereof, and of the place where the assessment book, or a copy thereof, may be inspected, by advertisement in at least two of the English daily newspapers, and in two vernacular newspapers, published within the Town, and also by placards posted up in conspicuous places throughout such district of the Town;

and the person in whose custody the assessment book may be, shall permit every person being the owner or occupier of any house or land included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee, and every person not being such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one rupee.

**113.** The Commissioners shall, in all cases in which any house or land is for the first time assessed, or in which the valuation or measurement of any house or land previously assessed is increased, give special notice thereof to the owners or occupiers of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

**114.** Appeals against any assessment made by the Commissioners under this Chapter shall lie

- (a) to not less than three Commissioners, other than executive officers of the Commissioners; or
- (b) to the Court of Small Causes.

In any case of an appeal to the Court of Small Causes under this section the said Court may follow the procedure laid down in sections three hundred and fifty-four and three hundred and fifty-five.

**115.** Any person desiring to appeal against any assessment made under this chapter, shall, within fifteen days of the publication of the notice referred to in section one hundred and twelve deliver at the office of the Commissioners a notice in writing, stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (a) or (b) of the last preceding section.

No appeal shall lie as hereinbefore provided unless the amount of the house-rate for one quarter, under the assessment about to expire, has been deposited with the Commissioners;

and unless the appeal is preferred by the person who, at the time the appeal is made, shall be recorded in the said book as the owner of the house or land to which the appeal refers, or by the occupier thereof, or by the agent of either of them.

**116.** The Commissioners shall give notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to hear the appeals under clause (a) of section one hundred and fourteen.

Every appeal under clause (b) of the said section shall be presented to the Small Cause Court within seven days from the date of the delivery of the notice at the office of the Commissioners under the last preceding section.

**117.** The assessment by the Commissioners of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the two last preceding sections, shall be final and conclusive.

**118.** The assessments made by the Commissioners, subject to such alterations as may from time to time thereafter be duly made on appeal, shall be entered in the assessment book, and the rate calculated on the said assessment shall, subject to such alterations as aforesaid, be deemed to be the rate for the whole period for which the assessment is made, and this period shall be calculated from the commencement of the quarter next succeeding that in which any such amendment shall be so authenticated; and until such date the old assessment shall continue in force, notwithstanding that the period for which the old assessment was made may have expired.

**119.** The Chairman or Vice-Chairman may at any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted, or by inserting any house or land liable to the rate, after

giving notice, to any person interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out the name of any person or any house or land not liable to the rate, or reducing the amount of the assessment, without notice:

and if any amendment shall be made, in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice for such amendment; and the provisions of sections one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, and one hundred and seventeen, shall, so far as may be practicable, apply to such appeal.

120. It shall not be necessary to prepare a new assessment book at the expiration of each period of assessment, but the Commissioners in meeting, other than an ordinary meeting, may adopt the valuation or measurement and assessment contained in any assessment book for any previous period, with such alterations as may in particular cases be deemed necessary, as the valuation, or measurement and assessment for the period next following;

Provided that sections one hundred and ten to one hundred and eighteen (both inclusive) shall, as far as may be practicable, be applicable to such valuation or measurement and assessment, and to the assessment book or books in which it is contained.

## CHAPTER VI.

### OF LEVYING THE RATES.

121. When any rate is due, the Commissioners shall cause to be presented, to the person liable to the payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property, for which the rate is charged.

Provided that whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land, the assessment on the land and on the house shall be separately entered in the said bill.

122. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand, in the form contained in the fourth schedule, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause, to the satisfaction of the Commissioners, for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, under a warrant in the form contained in the fifth schedule, or to the like effect, to be issued for that purpose by the Commissioners.

For every notice of demand under this section which the Commissioners shall cause to be served

upon any person, a fee, not exceeding one rupee, shall be paid by such person.

Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

123. The officer charged with the execution of a warrant of distress under the last preceding section shall make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing, in the form contained in the sixth schedule, or to the like effect, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

124. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs;

and the surplus, if any, shall be returned, on demand, to the person in possession of the moveable property at the time of the seizure.

All sales of property under this section shall, so far as may be practicable, be regulated by the procedure now in force or hereafter to be in force in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon distrains under this Act according to the rates set forth in the Table of Fees in the sixth schedule.

All officers and servants of the Corporation are prohibited from purchasing any property at any such sale.

125. The moveable property of any person from whom any rate is due may be distrained, wherever the same may be found, for default in payment of the money due from him.

126. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of the house or land, and, on non-payment thereof, may recover the same by distress and sale of any moveable property found on the house or land, and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him.

Provided that no arrear of rate, which has remained due from the owner of any house or land for more than one year, shall be so recovered from the occupier thereof.

127. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him; but all persons aggrieved by such irregularity may recover full

satisfaction for any special damage sustained by them in any court of competent jurisdiction.

128. Instead of proceeding by distress and sale, or in case of failure to realize by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Commissioners may sue, instead of proceeding by distress.

## CHAPTER VII.

### OF THE WATER-SUPPLY.

129. The Commissioners shall provide a supply of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in all the chief public streets of the Town, and shall also erect, in all such streets, sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants of the Town for domestic purposes.

The said stand-pipes or pumps shall be so placed that there shall not be any portion of any such chief street at a greater distance than one hundred and fifty yards from some such stand-pipe or pump.

130. A supply of water for domestic purposes shall not include a supply of water for animals, or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purpose.

131. The Commissioners shall, between the hours of six in the forenoon and nine in the afternoon, so far as may be reasonably practicable, keep and maintain in their pipes and mains a sufficient supply of filtered water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall daily, from the hour of seven in the forenoon to nine in the forenoon, and from the hour of five in the afternoon to six in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet.

132. The Commissioners may supply water through a meter, for purposes other than domestic purposes, provided that the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed.

The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, or other than an ordinary meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Commissioners.

133. The occupier of every house shall be entitled to have, free of further charge, fifteen hundred gallons of filtered water for every rupee paid to the Commissioners

as water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use through a ferrule of such size as the Commissioners may determine. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at the rate of one rupee for every fifteen hundred gallons.

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Nothing contained in the first clause of this section shall apply to houses assessed at less than twelve hundred rupees per annum.

134. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water-closets; and wherever filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

135. All latrines and water-closets now supplied, or hereafter to be supplied, with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct; and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

136. Every person paying the water-rate hereinbefore mentioned shall be entitled to lay down communication-pipes from the service pipes of the Commissioners, for bringing into his house or land a reasonable supply of water for domestic use; provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

The communication-pipes leading the water from the service pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve; and shall be made and constructed at the expense of the person requiring the same.

137. The communication-pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners, upon such terms as may be

Commissioners may provide filtered or unfiltered water for latrines.

All latrines to be provided with cisterns.

Communication-pipes, &c., to be made of required dimensions and at expense of householder.

Communication-pipes, &c., must be made to satisfaction of Officer of the Commissioners.

Householder entitled to certain supply of water for domestic use.

agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners:

and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed; and such charges and expenses shall be recoverable in the same manner as the water-rate.

138. The Officer authorized in that behalf by

Power to enter premises.

the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works, and fittings, connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

and if such Officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, the Commissioners may forthwith turn off the water from such house or land.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

139. In the event of any pipes, works, or

When pipes are out of repair, Commissioners may turn off water.

fittings connected with the supply of water to any house or land, being at any time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover the expense incurred for turning off the water from the occupier of such house or land.

140. If any person supplied with water shall

Water may be cut off on neglect to pay the rate.

neglect to pay the water-rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may turn off the water from the house or land in respect of which such rate or charge is payable, by cutting off the pipe to such house or land, or by such means as the Commissioners may think fit, and may recover the expenses of turning off the water from such person;

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

141. The occupier of any house or land in

Occupier in whose house water is wasted liable to penalty.

which water supplied by the Commissioners under this Act is, from negligence or other circumstances under the control of the said occupier, wasted, or in whose house or land the pipes, works, and fittings for the supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding twenty rupees.

142. Any person causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

Person causing waste of water liable to penalty.

143. It shall be within the discretion of the

Commissioners at their discretion may allow persons outside the Town to take water.

Commissioners to allow any person, not residing within the limits of the Town, to take or be supplied with water for his domestic use on such terms as the Commissioners in meeting, other than an ordinary meeting, may from time to time prescribe. And any person taking or causing to be taken for use outside the limits of the Town water supplied by the Commissioners without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

Penalty.

144. It shall not be lawful for any person

Person executing any work for laying on water must hold a license from the Commissioners.

to execute any work in connection with the laying on of water from any service pipes of the Commissioners to any house or land, unless he shall hold a license from the Commissioners authorizing him to act as a plumber under such rules and regulations as the Commissioners may from time to time lay down, and which shall be printed on the back of his license. Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners, and shall also be liable to a fine not exceeding twenty rupees.

Penalty.

145. Any owner or occupier of any house or

Owner or occupier when not entitled to demand a connection with the Commissioners' service pipes.

land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners, shall not be entitled to demand a connection with the Commissioners' service pipes.

146. Before a connection for the supply of

Before connection. Engineer of the Commissioners to cause all works and pipes to be inspected.

water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in advance at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct, by the person applying for the said connection; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

147. The connection with the service pipes of

Connection with service pipes to be executed only by an officer of the Commissioners.

the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person; and the expense of making such connection shall be

payable in advance by the person applying for the same, at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct.

**148.** If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding twenty rupees, and upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

**149.** Any person who shall unlawfully flush, draw off, divert, or take water from any water-works belonging to or under the management or control of the said Commissioners, or from any water or streams by which such water works are supplied, shall be liable to a fine not exceeding one hundred rupees.

**150.** Any occupier holding direct from the owner of any house may, by notice in writing signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of such works during the residue of his term of occupation.

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main, such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

**151.** If any owner shall not, within the space of three months from the service of such notice as is mentioned in the last preceding section, cause such necessary works as aforesaid to be completed, the occupier, who shall have given such notice, may cause the same to be completed, and may deduct from the rent payable by him the cost of such works, save so much of such cost as may be incurred in connecting with a supply-main any house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem, from the time when it shall have been so deducted.

**152.** The supply of water to a house shall not be deemed sufficient for domestic use unless it provides two taps in each floor of such house, one other such tap in the cookroom or of attached to such house, and one other such tap in the premises, or in or near the stables belonging to such house, and the necessary works for such taps.

But if the annual rent of such house, with the land attached thereto shall be less than three hundred rupees, it shall be sufficient to provide one tap only within the said premises, and the necessary works for the same.

**153.** No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

**154.** In case there shall be any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorized by them in that behalf, shall be binding on the owner and the occupier.

**155.** There shall be payable to the Commissioners in respect of every such reference a fee at the rate of two rupees for every hundred rupees of the monthly rent of the house or land in respect of the water-supply to which the difference may have arisen:

Provided that such fee shall in no case exceed ten rupees, and shall be paid by the person making the reference.

**156.** Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair.

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the commencement of this Act.

**157.** Any owner to whom any sum is payable under sections one hundred and fifty and one hundred and fifty-one, may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house in respect of which the expenses have been incurred.

**158.** All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

**159.** If any person, being the proprietor of any gas-works,

or being engaged or employed in the manufacture or supply of gas, or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

wilfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is



fouled or corrupted, the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person;

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

**160.** The water rate and all monies collected, received, or recovered for or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the said Commissioners in defraying the expense of making, extending, or maintaining the water-works.

and in paying the interest of money borrowed for the water-works, and in the liquidation of debts incurred in connection therewith, or for some other purpose connected with the supply of water.

## CHAPTER VIII.

### OF THE POLICE BUDGET.

**161.** The Commissioner of Police shall, on or before the first day of September in each year, transmit to the Commissioners a Budget or Estimate of the expense of the Police Force for the year commencing on the first day of January then next ensuing.

**162.** The Police Budget shall show the various heads of the estimated expenditure of the Police Force, and the intended distribution of the Police Force during the year to which it relates.

**163.** The Chairman shall forthwith, upon the receipt of any such Budget, cause the same to be printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House; and shall lay every such Budget before the Commissioners at the next quarterly meeting of the Commissioners, or at a special general meeting.

The Commissioners shall thereupon forward such Budget to the Local Government, with such remarks as to them may seem fit, and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

**164.** If during any period for which a Police Budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such Budget is insufficient to defray the necessary expense of the Police Force for such period, the Commissioner of Police may prepare a supplemental Budget for such period,

and the provisions of the three last preceding sections shall apply to such supplemental Budget.

**165.** The amount of the estimates passed shall, after deducting therefrom such amount as may from time to time be allowed by the Government from the General Revenues towards the maintenance of the Police Force, be paid to the Local Government, or to such Officer as the Local Government may from time to time direct, by the Commissioners out of the annual proceeds of the Police rate; and it shall not be lawful for the Commissioners to expend from the said proceeds any sums for purposes other than those provided in the Budget of the Commissioner of Police and duly sanctioned by the Local Government under section one hundred and sixty-three.

**166.** On or before the first day of April in every year, the Commissioner of Police shall present to the Chairman, to be laid before the Commissioners at their next monthly meeting, an account of the expense of the Police Force for the year ending the thirty-first day of December then next preceding, and in case the amount, which shall during such year have been paid to the Local Government under the provisions hereinbefore contained, shall not have been expended in the maintenance of the Police Force, the balance remaining unexpended shall be deemed to have been paid by the Commissioners in or towards discharging the expense of the Police Force during the ensuing year.

## CHAPTER IX.

### OF THE SYSTEM OF DRAINAGE FOR THE TOWN AND ITS ENVIRONS.

**167.** The Commissioners may carry out such a complete system of sewerage and drainage within the Town as they may think fit, subject to the approval of the Local Government, and to such alterations as may from time to time be ordered by it.

**168.** The Local Government may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof in the *Calcutta Gazette*, and for the purposes of the Drainage-rate the land within such boundaries as aforesaid shall be deemed to be part of the Town.

## CHAPTER X.

### OF THE REGISTRATION OF BIRTHS AND DEATHS.

**169.** The Commissioners shall keep in their office a Register of all births and deaths in the Town, and for this purpose shall divide the Town into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a Registrar of births and deaths within such district; and the Commissioners shall at each burning ghât and native burial-ground appoint a Sub-Registrar for the registration of all corpses brought to such burning ghât or burial ground for cremation or interment.

**170.** Every Registrar shall dwell within the district of which he is Registrar, and every Sub-Registrar shall dwell in the vicinity of the burning ghât or native burial ground for which he is appointed; and they shall cause their names, with the addition of Registrar for the district, or Sub-Registrar for the burning ghât or native burial ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling-houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every Registrar and Sub-Registrar in the Town.

**171.** The Commissioners shall cause to be prepared and printed a sufficient number of Register books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in the eighth and ninth schedules, and the pages of such book shall be numbered progressively from the beginning to the end.

**172.** Every Registrar shall inform himself of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the eighth and ninth schedules respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

**173.** The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child shall have been born, shall, within eight days after the day of the birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

**174.** Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the Town, or, in case of the death, illness, inability or default of all such persons, the occupier of the house, or if the occupier be the person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the Registrar of the district, or Sub-Registrar at the burning ghât or burial ground, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person:

Provided that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital it shall be the duty of the Medical Officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the

ninth schedule of the occurrence of any death in the hospital under his charge.

**175.** Any person whose duty it shall be to give information to a Registrar or Sub-Registrar under the two last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding twenty rupees.

**176.** Every person by whom the information contained in any Register of births or deaths under this Act shall have been given, shall sign in the Register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it:

Provided that the Registrar may fill up and sign the Register for any person who is unable to write:

Provided further that in the case of a person dying in any hospital the registration of the death shall be deemed to be complete on receipt by the Commissioners of the written notice from the Medical Officer in charge of the said hospital prescribed in section one hundred and seventy-four.

**177.** It shall not be lawful for any sexton, keeper of a cemetery, burial ground, or burning ghât to bury, burn, or allow to be buried or burned, any corpse, unless the said corpse is accompanied by a certificate in the form specified in the ninth schedule, and signed by a Registrar or Sub-Registrar appointed under section one hundred and sixty-nine, or by a Medical Officer.

**178.** Whoever buries, burns, or allows to be buried or burnt, a corpse without the certificate mentioned in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

#### OF TAKING A CENSUS.

**179.** At such times and in such manner as the Commissioners may from time to time appoint, an account shall be taken of the number of persons who, at the time of taking such account, shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

**180.** The Chairman or Vice-Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Local Government, deem necessary; and the expenses thereby incurred shall be paid out of the Municipal Fund.

**181.** Each Police division of the Town shall be formed into one or more enumeration districts.

**182.** At such times as shall be appointed under section one hundred and seventy-nine, and as shall be notified in the *Calcutta Gazette* by the Local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and

every person to whom a form, as mentioned in section one hundred and eighty-four, may have been delivered, shall afford such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner as may under this Act be required of them.

**183.** The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and, except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf.

Provided that, in the case of females, no account shall be taken either of their name or age.

**184.** The Chairman, when he deems such a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of the Local Government, to be delivered to any occupier of any dwelling-house who may be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

**185.** Any military or naval Officers in command of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or noddah, or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed.

**186.** Whoever, being required under section one hundred and eighty-four to fill in any form, or under section one hundred and eighty-three to act as an enumerator, fails so to do, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

**187.** The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all houseless persons, and all persons who, during the said night immediately preceding

the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

**188.** The enumerators shall fill in all forms for those persons who are unable to write.

## CHAPTER XI.

### OF CONSERVANCY AND IMPROVEMENT.

#### PART I.—Of the Streets.

**189.** All public streets in the Town (not being the property and kept under the control of the Government) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets shall vest in and belong to the Commissioners.

**190.** The Commissioners, making due compensation to the owners and occupiers of any houses or land which may be required for any such purposes, may

- (a) lay out and make new streets;
- (b) build and construct new bridges;
- (c) turn, divert, discontinue, or stop up any public street; and
- (d) widen, open, enlarge, or otherwise improve any such street.

For the purposes of this section the Commissioners in meeting may purchase any land necessary for houses and buildings to form any public street, or for the improvement of any public street.

**191.** The Commissioners shall, so far as the Maintenance and repair of streets from time to time cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

**192.** The Commissioners shall cause the public streets of the Town to be sufficiently lighted; and the sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said Lighting-rate and no more; but the Commissioners may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, cleaning and maintenance of lamps, lamp-posts, pipes, and other necessary apparatus.

**193.** The Commissioners shall cause the public streets to be regularly swept and cleansed; and the dust, dirt, filth, and refuse of every kind whatsoever found thereon to be collected and removed.

**194.** The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, filth, and refuse, arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in such receptacles and between such hours as they may from time to time direct.

**195.** Every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding ten rupees.

**196.** Whoever deposits, or suffers to be deposited, any dust, dirt, filth or refuse of any kind whatsoever, in any public street, or on any public quay, jetty, ghât, or landing place, or on any part of the river bank, whether above or below high-water mark, except in such places, and in such manner, and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding ten rupees for every such offence.

**197.** Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being in his house or land, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any offensive matter from any sewer or privy, to run, drain, or be thrown into, a surface drain in any street (public or otherwise), shall be liable to a fine not exceeding ten rupees for every such offence.

**198.** The Commissioners shall, so far as the Municipal Fund permits, and so far as they may deem requisite for the public convenience, cause the chief public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

**199.** Whoever builds any wall, or erects, or sets up any fence, rail, post, or other obstruction or encroachment, in any public street, or in or over any drain, sewer, or aqueduct, after the commencement of this Act, shall be liable to a fine not exceeding one hundred rupees; and the Commissioners shall have power to remove any such obstruction or encroachment, as also all walls, fences, rails, posts, or other obstruction or encroachment erected in any public street, or in or over any open drain, sewer, or aqueduct, subsequent to the first of June in the year one thousand eight hundred and sixty-three, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Nothing herein contained shall prevent the Commissioners from allowing any temporary erections on occasions of festivals, &c. or for building purposes.

**200.** Every person who wishes to make or lay out any new street, shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Commissioners;

and the Commissioners may, if they think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered;

or may cause any house, erected in any such street, otherwise than in accordance with such level and width, to be altered, or, if necessary removed,

and the expenses thereby incurred shall be paid by the person offending.

If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month from the delivery of the aforesaid notice at the office of the Commissioners, the intended street may be laid out and made upon the level and of the width specified in the notice.

**201.** Whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a fine not exceeding five hundred rupees.

**202.** If any street or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein: and the expenses thereby incurred shall be paid by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses;

Provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled and sewered, on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the Municipal Fund.

**203.** If any street be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by the Commissioners out of the Municipal Fund.

**204.** The Commissioners in meeting shall, from time to time, cause to be put up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

**205.** The Commissioners may, from time to time, fix a number in a conspicuous place on the outer

Numbers on houses.

side of any house or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number, shall be liable to a fine not exceeding twenty rupees.

Penalty:

**206.** All doors, gates, bars, and ground-floor windows (whether hung or placed before or after the commencement of this Act), which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may make such alteration, and the expenses thereby incurred shall be paid by such owner.

**207.** The owner of every house in any public

street shall, within fifteen days after notice from the Commissioners, put up, and

keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such house and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with

such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

**208.** The Commissioners may give notice in

writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction, which, after the commencement of this Act, shall be erected or placed against or in front of such house, or

which has been so erected or placed subsequent to the first of June in the year one thousand eight hundred and sixty-three, and such owner or occupier shall within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier on making default, and shall be recoverable as hereinafter provided.

Provided that when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

**209.** The Commissioners may cause any

projection, encroachment, or obstruction, erected or placed against or in front of any house in any public street, previous to the first of June in the year one thousand eight hundred and sixty-three, to be re-

moved, or altered as they think fit; provided that

they give notice of such intended removal or alteration to the occupier of the house against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make

reasonable compensation to every person who suffers damage by such removal or

alteration; and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed, and the amount thereof, or touching the amount of such compensation when the right thereto is admitted, the same shall be settled in the manner herein-after provided for the settlement of disputes respecting damages and expenses.

**210.** The Commissioners may give permission

in writing to the owners or occupiers of houses abutting on any public street or drain or sewer to put up verandahs, balconies, sunshades, weatherframes, and the like, to project from any upper story thereof over any public street, or drain or sewer.

**211.** The external roofs and walls of huts or

other buildings erected or renewed within the Town, after the commencement of this Act,

shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building, in or near any street (public or otherwise), now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after the commencement of this Act unless with the consent in writing of the Commissioners; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a fine not exceeding ten rupees for every day that such roof or wall shall continue.

**212.** The Commissioners may give notice to

the owner or occupier of any house or land to trim or prune the hedges thereof bordering on any public street to a height not exceeding seven feet;

or to cut and trim trees overhanging any public street and obstructing the same or causing damage thereto;

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

**213.** No person shall deposit any building

materials, or make a hole in any public street, without the permission of the Commissioners in writing; and when such per-



mission is granted to any person, he shall, at his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night.

**214.** Whoever deposits materials, or makes a hole, without such permission, or fails to fence or enclose, and light, such materials or hole, or does not remove such materials, or fill up such hole, when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

#### PART II.—Of the Drains.

**215.** All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the public streets, whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall become vested in the Commissioners.

**216.** The Commissioners in making any main or other sewers for the drainage of the Town, may, if necessary, carry such sewers through, across, or under any public street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the public streets, and (after reasonable notice in writing in that behalf) into, through, or under any land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise with respect to the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**217.** The Commissioners shall maintain, from time to time repair, and as they think fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers and drains vested in them:

and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary.

If by reason of anything done under this section, any person is deprived of the lawful use of any sewer or drain, the Commissioners shall at a place within one hundred feet of the sewer or drain, of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall, as the Commissioners shall direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

**218.** The Commissioners shall, so far as the Municipal Fund permits, cause the sewers and drains vested in them to be constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied;

and for the purpose of flushing, cleansing, and emptying the same, may construct and place, either above or underground, reservoirs, sluices, engines, and other necessary works;

and may also, with the sanction of the local Government, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purpose as may be deemed most expedient, but so that the same shall not become a nuisance.

**219.** When the contents of any sewer or drain, or any other flow of filth or refuse, are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the Local Government, so far as the Municipal Fund permits, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

**220.** If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

**221.** Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding two hundred rupees.

**222.** If any house or land within the Town and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient drains or pipes communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, covered drains, or pipes, of such materials, of such size, at such level, and with such fall, as they shall think necessary for the complete draining of such house or land;

and the expenses thereby incurred shall be paid by the owner.

### 223. The Commissioners themselves may construct and lay down such portions of the drains mentioned in sections two hundred and seventeen, two hundred and twenty-two, two hundred and twenty-five, and two hundred and twenty-six as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.

Commissioners may construct certain portions of drains under public drains and streets.

### 224. The Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Supervision of certain works.

Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

### 225. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;

Group or block of houses, &c., may be drained by a combined operation.

and the expenses thereby incurred shall be paid by the owners of such houses in such proportions as shall to the Commissioners seem fit.

### 226. All sewers and drains in streets (public or otherwise), shall be provided by the Commissioners or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stenoh.

Sewers in streets to be covered with traps, &c.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same;

and the expenses thereby incurred shall be paid by the owner.

### 227. The Commissioners may erect on, or fix to any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

Power of Commissioners to erect or affix to building pipes for ventilation of sewers.

Branch-drains, privies, &c., to be under the control of the Commissioners and to be kept in good order by owners.

### 228. All branch-drains, as well within as without the house or land to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Commissioners and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs

and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued;

and if the owner of any house or land to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, lay water to, connect with a sewer, repair, stop up, demolish, or put in good order the same, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, or put in good order, and the expenses thereby incurred shall be paid by the owner.

229. If any branch-drain, privy, or cess-pool be constructed contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners constructs, re-builds, or unstops, any branch-drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool, as they think fit; and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped.

230. Whoever constructs any drain, privy, or cess-pool, after the commencement of this Act, contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

231. The Commissioners, or any Officer authorized by them in that behalf, may inspect any branch-drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached, may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be; and if, upon such inspection, it appears that such drain, privy, or cess-pool is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong;

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

Inspection of drains, privies, and cess-pools.

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

**232.** Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen, or stable refuse, or any broken glass or earthen-ware, or other rubbish, or, until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**233.** No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use. Any person upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within forty-eight hours of the receipt of a written notice from the Commissioners.

**234.** Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding three rupees, for every day that the latrine, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid.

#### PART III.—Of General Conservancy.

**235.** The Commissioners, from time to time, may appoint

- (a) the hours within which night-soil or other offensive matter may be removed;
- (b) the kind of cart or other receptacle in which it may be removed;
- (c) the route by which such cart or receptacle shall proceed.

**236.** When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such offensive matter at any time, except within the hours so fixed, and also, whoever

at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel, other than that approved and sanctioned by the Commissioners, or slops or spills any such offensive matter in the removal thereof, or

does not carefully sweep and clean every place in which any such offensive matter has been stopped or spilled, or

places or sets down in any public place any vessel containing such offensive matter,

or drives, or takes, or causes to be driven, or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice appointed for that purpose by the Commissioners, shall be liable to a fine not exceeding twenty rupees for every such offence.

**237.** The Commissioners shall, from time to time, appoint or provide places of deposit for filth, dirt, filth, and any other refuse whatsoever collected and removed in accordance with this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act.

**238.** Whoever, being the occupier of any house or land, keeps or suffers to be kept any dirt, dust, filth, or refuse of any kind whatsoever for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**239.** All dirt, dust, filth, and any other refuse whatsoever, collected from the streets (public or other, wise), houses, privies, sewers, and cess-pools shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the Municipal Fund.

**240.** If any house or land, by reason of abandonment, or of disputed ownership, or other cause, shall

remain untenanted, and thereby become a resort of idle and disorderly persons; or become in a filthy or unwholesome state; or be complained of by any two or more of the neighbours as a nuisance,

the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming, or believed to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same;

and if such notice shall not be complied with within eight days the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be paid by the owner, or, in case of abandonment or disputed ownership, by the sale of any materials found upon such house or land, and the provisions of section two hundred and sixty seven shall be applicable to such sales.

**241.** The Commissioners may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessities and urinals,

and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

**242.** The Commissioners may license, for any period not exceeding one year, such necessities for public accommodation, and such tola mehters' depôts as they may, from time to time, think proper; and may at any time, on giving one month's notice, cancel any license granted under this section, if it shall seem proper to them to cancel it.

No person shall carry on the business of a tola mehter without obtaining a license from the Commissioners.

**243.** Whoever keeps any public necessary, or any tola mehters' depôt without a license, as mentioned in the last preceding section, or having a license, suffers such public necessary or tola mehters' depôt to be in a filthy or noxious state, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence; and whoever shall carry on the business of a tola mehter without obtaining a license from the Commissioners, shall be liable to a fine not exceeding twenty rupees.

**244.** The Commissioners in meeting, other than an ordinary meeting, may, by advertisement in at least two of the daily newspapers published within the Town and by placards posted up in conspicuous places throughout the Town, or any portion thereof, declare that the duties usually performed by tola mehters within the boundaries specified in the aforesaid advertisement shall be performed by an establishment under the control of the Commissioners, and the Commissioners shall make suitable provision accordingly.

When the Commissioners have made such provision, the occupier of any house or land in respect of which such duties are performed shall be liable to pay in respect of the same such fees as may be imposed by the Commissioners in meeting, other than an ordinary meeting; and the said fees shall be recovered from such occupier as a rate under Chapter VI.

**245.** The owner or occupier of any land having a privy on it shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood: and no person shall keep a privy with a door or trap-door opening on to any street (public or otherwise) or drain.

Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine not exceeding ten rupees, and to a further fine, not exceeding five rupees, for each day the offence is continued after he has been convicted of such offence.

Provided that the Commissioners may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trap-door opening on to any street (public or otherwise) where such privy already exists and does not create a nuisance.

**246.** If the Commissioners think that any privy or additional privy should be provided for any house or land, the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-supply, to be constructed in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such privy, together with the necessary pipes, drains, and water-supply, to be so constructed, and the expenses thereby incurred shall be paid by the owner.

Commissioners may cause additional privies to be provided for any land.

**247.** No milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages shall keep any animals, sheep, goats, or horned cattle within the Town for the purposes of trade or business except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, on the first day of January and the first day of July in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit, and to impose a fee not exceeding five rupees in respect of the same.

**248.** Whoever, being a milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, keeps any animals, sheep, goats, or horned cattle without such license, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**249.** Whoever, being the holder of a license under section two hundred and forty-seven, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

**250.** No person shall keep any pig-stye within the Town to the front of any street (public or otherwise), not being shut out therefrom by a sufficient wall or fence, and no person shall keep within the town, without the permission of the Commissioners, more than ten pigs, or more than twenty sheep or goats.

**251.** Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**252.** When the pavement or surface of any public street, or when any sewer or drain, shall be opened or broken up by the Commissioners, they shall, with all convenient speed,

Commissioners breaking up the pavement or surface of a street, or opening a sewer or drain, shall, with all convenient speed,

complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

**253.** If the Commissioners deem it necessary

*Alteration of gas and water-pipes may be altered by the Justices.*

for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works, laid in any street, (public or otherwise) they may, from time to time, by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Commissioners direct.

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong, as to all other persons.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**254.** If the person to whom any such pipes or

*If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.*

works as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered, as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

**255.** The Commissioners may, at their discretion,

*Commissioners may set apart bathing places, &c.*

set apart any public ghât or place (not being private property, or part of the river or river bank of the Port of Calcutta), for the purpose of being used as a bathing place; provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in;

and set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

**256.** Whoever bathes in any public place, except the places provided or set apart under the

*Penalty.*

last preceding section, shall be liable to a fine not exceeding fifty rupees.

**257.** When any private tank or low marshy

*Power to fill up unwholesome tanks, &c., on private premises.*

ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health or to be offensive to the neighbourhood, the Commissioners may require, by notice in writing, the owner of the same to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners, their Officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit;

and the expenses thereby incurred shall be paid by the owner.

**258.** Whoever, being an owner of land, fails

*Penalty.*

to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**259.** The Commissioners may from time to

*Power to drain off and cleanse unwholesome tank, &c., on private premises.*

time, as they shall think fit, drain off into any sewers belonging to them, and cleanse or fill up, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure), which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

**260.** The Commissioners, in executing any

*Commissioners in executing works to provide proper drains, &c.*

works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works;

and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**261.** The Commissioners shall, during the

*Bars to be erected across streets during repairs, and lights placed at night.*

construction or repair by them of any of the streets, sewers, or drains vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses; and shall cause such bars, chains, or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle, or animals, while such works are carried on, as to them shall seem proper;

and shall cause any sewer or drain, or other works in streets (public or otherwise), during the



construction or repair thereof by them, to be sufficiently lighted and guarded during the night.

**262.** If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom;

and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected, or enclosed.

**263.** Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

#### PART IV.—Of Building Regulations.

**264.** The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of any public street in which such house is situated.

**265.** When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has been taken down in order to be re-built or altered, the Commissioners may require the same to be set back to or towards the line of the street or the line of the adjoining houses.

Provided that the Commissioners shall make full compensation to the owner of any such house for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**266.** If any house, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or to the neighbouring houses, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of such house, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such house, wall, or thing affixed thereon as the case shall require.

If such owner or occupier do not begin to take down, repair, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and the expenses thereby incurred shall be paid by the owner.

**267.** If any such house, or wall, as is mentioned in the last preceding section, or any part of the same, be taken down as in such section mentioned, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any surplus arising from such sale to the owner of such house, or wall, on demand.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

**268.** Before beginning, within the Town, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

**269.** Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or, if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

**270.** If such building as is mentioned in section two hundred and sixty-eight be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require;

and the expenses thereby incurred shall be paid by the person failing to comply with the provisions aforesaid.

**271.** If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundations shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house therein referred to, accord-

ing to the levels and width of foundation shown on such plan :

Provided that such building or re-building be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

**272.** Every person intending to build or take

Hearths to be set up during repairs.  
down any house, or to alter or repair the outward part of any house, where any public street will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hearths or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such board or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a board or fence without the written permission of the Commissioners, and shall not keep up the said board or fence for a time longer than allowed in the said written permission.

**273.** Every person, who begins to build, or to

Penalty.  
take down or alter, or repair any house contrary to the provisions of the last preceding

section, or who, without license, erects or sets up any board, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or board, or to continue the same standing, or to maintain the same in good condition, or who does not, while the said hearths or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Commissioners, within eight days, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

House over-seers, &c., not to be erected without consent of the Commissioners.

their written consent ;

and if any house be so erected, the Commissioners may cause such house to be pulled down or otherwise dealt with as they may think fit ;

and the expenses thereby incurred shall be paid by the person so erecting the house.

**275.** No house shall be built within the Town

Level of houses hereafter built within the Town.  
upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers.

**276.** If any house newly erected or re-built

House hereafter built to have drains constructed under the orders of the Commissioners.  
within the Town have such means of drainage, as in the last preceding section mentioned, existing within

one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house of such materials, of such size, at such

level, and with such fall as the Commissioners may direct ;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

**277.** It shall not be lawful for any person to

Erection of new huts to be under the control of the Commissioners.  
erect a hut, or any range or block of huts or sheds, or to add any hut or shed to

any range or block already existing at the commencement of this Act, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public street.

**278.** If any such huts or sheds be built

Power to direct removal of huts built without notice.  
without giving such notice to the Commissioners or otherwise than as required

by the Commissioners, the Commissioners may give notice to the owner or occupier thereof, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary ; and it shall be lawful for the Commissioners, if they shall think fit so to do, to cause the same to be taken down and removed, and the expense incurred thereby shall be paid by the said owner or occupier thereof, and shall be recoverable as hereinafter provided.

**279:** Whoever erects a hut or any range or

Penalty.  
block of huts or sheds, or adds to any hut or shed, or to any range or block already

existing contrary to the provisions of section two hundred and seventy-seven, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

#### PART V.—Of Sanitary Measures with regard to Blocks of Huts.

**280.** Whenever the Commissioners in meeting,

Power of Commissioners as to inspection of huts.  
other than an ordinary meeting, are satisfied, from inspection, or by report of

competent persons, that any existing block of huts in the Town is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

**281. On receipt of the said report the Commissioners in meeting, other than an ordinary meeting, may cause a notice to be served upon the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.**

On receipt of report Commissioners may cause notice to be served.

On receipt of report Commissioners may cause notice to be served upon the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

**282. If after the service of the said notice, such owners or occupiers, or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed, and the expenses thereby incurred shall be paid by the owner of the land.**

Commissioners may carry out works if owners or occupiers refuse.

Commissioners may carry out works if owners or occupiers refuse. If after the service of the said notice, such owners or occupiers, or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed, and the expenses thereby incurred shall be paid by the owner of the land.

**Provided that the Commissioners in meeting, other than an ordinary meeting, may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.**

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Commissioners in meeting, other than an ordinary meeting, may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

**283. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent court for the payment of the same.**

Sale of huts.

283. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent court for the payment of the same.

The Court of Small Causes shall be deemed a competent court for that purpose.

**284. In case the Commissioners should omit to take any action under sections two hundred and eighty or two hundred and eighty-one, or in the opinion of the Local Government should fail to give effect to the provisions thereof, the Local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in writing to the Local Government on the sanitary condition of the locality and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.**

If Commissioners fail to act, Local Government may take steps.

284. In case the Commissioners should omit to take any action under sections two hundred and eighty or two hundred and eighty-one, or in the opinion of the Local Government should fail to give effect to the provisions thereof, the Local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in writing to the Local Government on the sanitary condition of the locality and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

**285. On receipt of the said report the Local Government may order the Commissioners to serve a notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time to be fixed by the Local**

On receipt of report Local Government may order Commissioners to serve notice on owners or occupiers.

285. On receipt of the said report the Local Government may order the Commissioners to serve a notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time to be fixed by the Local

Government for such purpose, all or any of the works specified in the said report, or any portion thereof respectively; and upon service of the said notice the Commissioners may proceed as provided in section two hundred and eighty-two, and shall be liable to all or any of the obligations imposed upon them by section two hundred and eighty-three.

**286. If the Commissioners make default in carrying out the said order of the Local Government, the Local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and eighty-one and two hundred and eighty-two, as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and eighty-three, and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land.**

If Commissioners make default in carrying out order, Local Government may carry it out.

286. If the Commissioners make default in carrying out the said order of the Local Government, the Local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and eighty-one and two hundred and eighty-two, as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and eighty-three, and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land.

**Provided that the Local Government may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to the Local Government that the said owner is by reason of poverty unable to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.**

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Local Government may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to the Local Government that the said owner is by reason of poverty unable to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

**CHAPTER XII.****OF SANITARY MATTERS.****PART I.—Of Slaughter-houses, Food, Drink, Drugs, and Offensive Trades.****287. No place shall be used as a slaughter-house within the Town or Suburbs unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time, grant such license.**

No place shall be used as a slaughter-house without a license from the Commissioners.

287. No place shall be used as a slaughter-house within the Town or Suburbs unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time, grant such license.

Provided that no such license be granted by the Commissioners for the use of any place situated in the Suburbs as a slaughter-house without the permission in writing of the Municipal Commissioners of the Suburbs, unless such place has been used as a slaughter-house before the commencement of this Act; and provided further that all fees levied by the Commissioners for licenses to use places situated in the Suburbs as slaughter-houses be paid by the Commissioners to the Municipal Commissioners of the Suburbs.

**288. The Commissioners in meeting, other than an ordinary meeting, may, from time to time if they shall think fit, provide places within or without the Town for the purpose of being used as slaughter-houses; and all places within or without the town heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.**

Commissioners to provide places for slaughter-houses.

288. The Commissioners in meeting, other than an ordinary meeting, may, from time to time if they shall think fit, provide places within or without the Town for the purpose of being used as slaughter-houses; and all places within or without the town heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.

Provided that the Commissioners shall annually pay one thousand rupees to the Municipal Commissioners of the suburbs by way of license fee

for the slaughter-house established by the Commissioners at Tengrah.

**289.** Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place or slaughter-house in a clean and wholesome state.

**290.** If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding fifty rupees for every day during which such default is continued.

**291.** Any Justice of the Peace, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale, may grant a warrant to enter upon the premises of such person, and to search for and seize such article;

and if it appear to the said Justice of the Peace that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

**292.** The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Justice of the Peace that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

**293.** Any Justice of the Peace before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, the license granted to him under section two hundred and eighty-seven;

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

**294.** Whoever, during the period for which any such license is suspended, or after the same is cancelled as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted such offence.

**295.** No place shall be kept for the sale of drugs unless the same shall have been registered in the office of the Commissioners. Any keeper of such place failing to register the same within two months after the commencement of this Act shall be liable to a fine not exceeding fifty rupees.

**296.** The Commissioners or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt, specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Justice of the Peace that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed or to be so disposed of as to him may seem fit; if it shall appear to the said Justice that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Justice of the Peace, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**297.** The owner or occupier of every place within the Town, used for any of the following purposes, namely—

- (a) melting tallow;
- (b) boiling oil or blood;
- (c) as a soap-house;
- (d) oil-boiling-house;
- (e) dyeing-house;
- (f) tannery;
- (g) brick, pottery, or lime kiln;
- (h) sago-manufactory;

(i) manufactory or place of business from which offensive or unwholesome smells arise;

(j) or as a yard or dépôt for hay, straw, wood, or coal;

shall register the same at the office of the Commissioners in a book to be kept by them for that purpose.

**298.** No place shall be newly used within the Town for any of the purposes mentioned in the last preceding section except under a license from the Commissioners, who may, at their discretion, from time to time grant such license.

**299.** Whoever, without a license, uses any such place for any such purpose, shall be liable to a fine not exceeding five hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence is continued after he has been convicted of such offence.

**300.** If it be shown to the satisfaction of the Commissioners that any place, licensed under section two hundred and eighty-seven or two hundred and ninety-eight, or registered under section two hundred and ninety-seven, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

**301.** Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding one hundred rupees, for each day during which the offence is continued after he has been convicted of such offence.

#### PART II.—Of Burial and Burning Grounds.

**302.** The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial and burning ground and every place used as such; and every burial and burning ground, and every place used as such, shall be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose.

**303.** Whoever uses any such place as is mentioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

**304.** Whoever knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning ground, shall

be liable to a fine not exceeding one hundred rupees.

**305.** No vault or grave shall be made within the walls of, or underneath, any church, chapel, or other place of public worship, and no burial or burning ground, whether public or private, shall be opened, made or formed, otherwise than by, or under the authority of, the Local Government, without a license, describing the extent and boundaries thereof, previously obtained from the Commissioners in meeting, other than an ordinary meeting, who may at their discretion, from time to time, grant such license.

**306.** Whosoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground, opened, made or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding five hundred rupees.

**307.** If the Commissioners, in meeting other than an ordinary meeting, with the sanction of the Local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any churchyard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned, any corpse in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette*, and a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

**308.** Whoever, after due publication of such certificate, buries or burns, or causes, permits, or suffers to be buried or burned, any corpse contrary to the last preceding section, shall be liable to a fine not exceeding two hundred rupees.

**309.** Notwithstanding any certificate under section three hundred and seven, where, by usage or otherwise, there is any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any churchyard, burial ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment has been pur-



chased or acquired, the Commissioners may, if, on application made to them, they are satisfied that the exercise of such right, or the use of such ground will not be injurious to health, grant a license for such exercise or use, during such time and subject to such conditions and restrictions as they may think fit.

### 310. The Commissioners in meeting, other than

Commissioners may provide places to be used as burial or burning grounds.

an ordinary meeting, may from time to time, out of the Municipal Fund, with the sanction of the Local Government, provide fitting places to be used as burial or burning grounds.

## CHAPTER XIII.

### OF MARKETS.

### 311. The Commissioners in meeting, other than

Power to Commissioners to construct markets.

an ordinary meeting, may from time to time, if they shall think fit, with the sanction

of the Local Government, provide places within the Town for the purpose of being used as Municipal Markets, and the Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in, such markets, and for the use of shops, stalls, and standings therein.

### 312. All such rents, tolls, and fees, which shall

Recovery of fees.

be imposed, shall be recoverable by the Commissioners from the persons liable to

pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

### 313. The Commissioners in meeting, other

Power to Commissioners to acquire land for markets.

than an ordinary meeting, may from time to time, if they shall think fit, with

the sanction of the Local Government, acquire land by purchase, lease, or otherwise, in order to provide places within the Town for the purpose of being used as Municipal Markets, and for the like purpose may purchase or take on lease any land now used within such limits as a market, or registered as such, upon such terms, or subject to such conditions as they may consider necessary, and may appropriate any land now vested in or belonging to them, and may set out the whole or such parts thereof as they may think necessary for the purposes of such Municipal Markets, and thereupon from time to time may build and maintain such Municipal Markets and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such Municipal Markets, and for the weighing and measuring goods sold in such Municipal Markets, and on such land as aforesaid, or on other land purchased for that purpose, and may make and maintain all such roads

And to make bye-laws.

and approaches thereto as they may think necessary, and from time to time, in addition to the bye-laws provided in Chapter XVI, may make such bye-laws as they may think fit for all or any of the following purposes:—

(a) for regulating the control and use of such markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto;

(b) for preventing the use therein of false or defective weights, scales, or measures;

(c) for preventing the sale, or exposure for sale therein, of unwholesome meat, fish, or provisions;

(d) for the establishment and publication of a price-current, and for prescribing the mode of sale of articles, whether by measure, weight, tale, or piece;

(e) for keeping such markets in a cleanly and proper state, and for removing filth and refuse therefrom.

### 314. The Commissioners may expel from any

Power to expel persons breaking regulations. such Municipal Market any person who, or whose servants, may be convicted

of disobeying any bye-law made under the last preceding section, and may prevent such person, by himself or his servants, further carrying on any trade or business in such market, or occupying any stall or shop therein, and may determine any lease or tenure which such person may have in any such stall or shop.

### 315. The Commissioners in meeting, other

Power to Commissioners to sell or let markets. than an ordinary meeting, may sell, or let to tenants on lease or otherwise on

such terms as they may think fit, any Municipal Market, or any part thereof, and may do all things necessary for carrying the provisions of this section into effect.

### 316. The Commissioners in meeting, other

Power to Commissioners to close markets, or to sell or let land formerly used as markets. than an ordinary meeting may close any Municipal Market, or any part thereof, or sell, or let out to tenants,

on lease or otherwise, any land heretofore used as a Municipal Market, or any part thereof, on such terms as they may think fit, and may do all things necessary for carrying the provisions of this section into effect.

### 317. The Commissioners in meeting, other

Power to Commissioners to carry on markets. than an ordinary meeting, may out of the Municipal Fund and out of the

monies borrowed under the provisions of this Act, and out of monies derived from the rents of buildings, stalls, pens, or standings in any Municipal Market, and from any fees realized from any Municipal Market, expend such sums of money as they may think necessary for the construction, maintenance, and keeping such Municipal Market in repair, and for any other purpose or purposes which the Commissioners may deem necessary for establishing or carrying on the same or conducive thereto.

### 318. It shall be within the discretion of the

Power to grant licenses for markets. Duration of license. Commissioners in meeting, other than an ordinary meeting, to grant licenses

for the use of any place as a market for the sale of meat, fish, fruit, and vegetables within the Town, and every such license shall be in force until the first day of January next ensuing the day therein named for the commencement thereof.

Nothing contained in this section shall be held to impose upon any person the obligation of taking out a license for a market which has been registered under section 6 of Bengal Act VIII of 1871.

**319. Whoever wilfully or negligently permits**

Penalty for permitting  
unauthorised places to be  
used as markets.

any place within the Town (not being a market which has been registered under section 6 of Bengal Act VIII of 1871) to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence shall be continued after he has been convicted of such offence.

**320. Whenever three convictions under the**

Power to close un-  
licensed places

provisions of the last preceding section shall have been pronounced in respect of the same place within the space of one year, it shall be lawful for any Police Magistrate of Calcutta, on the application of the Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed, shall be liable to a fine not exceeding ten rupees.

**321. The Commissioners in meeting, other**

Commissioners may define  
ways in bylaws.

than an ordinary meeting, may define, fix, and determine what portions of any market or bazar within the Town shall be thrown into, and made part of, the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazar a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

The Commissioners in meeting, other than an

Commissioners may re-  
quire works to be executed.

ordinary meeting, may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him within a time to be specified therein to execute the necessary works and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways;

and may, in case of such default, by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

The Commissioners in meeting, other than an

Commissioners may alter  
approaches.

ordinary meeting, may from time to time vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

Whoever shall, after such notification, cause

Penalty.

any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

**322. Whenever any person who shall have**

Minimum of penalties.

been convicted of any offence under this Chapter, or against any of the bye-laws made or to be made under this Chapter in respect to markets, shall again be convicted of an offence against the same provision, the fine to be inflicted for the first of such subsequent offences shall not be less than one moiety of the maximum fine provided for such offence, and for the second and every subsequent offence shall not be less than such maximum fine.

**CHAPTER XIV.****OF THE GENERAL POWERS OF THE COMMISSIONERS.****PART I.—Of Rights of Entry.****323. The Commissioners shall, for the purposes**

Power to enter upon  
houses and land for the  
purpose of this Act.

of this Act, have power, by themselves or their officers, between sunrise and sunset, to enter upon any house or land, as well for the purpose of making any inspection, survey, or measurement, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act.

Provided that, except as herein otherwise provided, the Commissioners or their officers shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intention to do so.

**324. The Commissioners, or their officers or**

Power to Commissioners  
to enter on lands adjacent  
to works.

servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice of such their intention to the owner and occupier of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

## 325. For the purpose of laying pipes or con-

Power to be exercised by the Commissioners when constructing drains and aqueducts without the town

structing aqueducts for bringing water into the town from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course without the said limits, the Commissioners, their officers, and servants may, whenever a plan for laying down any such pipes or constructing any such aqueduct, sewer, or drain, shall have been approved by the Local Government, exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain, are to run, all the powers which by this Act they may exercise within the town, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain, are to run, may exercise, in respect thereof, the like powers and jurisdiction within the limits of his own district as a Justice of the Peace may under this Act exercise in respect of any work to be executed by the Commissioners within the town.

## • 326. Whoever at any time obstructs or

Penalty for obstructing persons employed by the Commissioners in their duty.

molests any person employed by the Commissioners (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue of or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding two hundred rupees, or in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

## PART II.—Of the Purchase and Sale of Land.

## 327. The Commissioners in meeting, other

Commissioners may purchase, sell, and lease land for the purposes of this Act.

than an ordinary meeting, may purchase land, whether within or without the Town, for any of the purposes of this Act, and may sell any land vested in them and not required for the purposes of this Act, or may dispose of the same on lease; and the Commissioners may receive the rent of the same on such terms as they may think fit.

## 328. The Commissioners in meeting, other

Commissioners may rent and take on lease land.

than an ordinary meeting, may from time to time pay rent for, or take on lease, on

such terms as they may think fit, any land required for the purposes of this Act.

## 329. Any land required for the purposes of

Land may be acquired under Land Acquisition Act.

this Act may be acquired under the provisions of the Land Acquisition Act, 1870,

and on payment by the Commissioners out of the

Municipal Fund of the compensation payable under such Act, the land shall vest in them for the purposes of this Act.

## PART III.—Of Railways.

## 330. The Commissioners in meeting, other

Power to construct rail-

than an ordinary meeting, may, upon any of the public streets in the Town or upon

any land within or without the Town, which is vested in the Commissioners, construct or maintain any railway which to the Commissioners may appear to be useful or necessary for the purposes of this Act,

and use and employ upon any such railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power and such carriages and wagons to be drawn or propelled thereby,

carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof as they may from time to time determine upon.

## 331. The Commissioners in meeting, other than

Power to permit carriages to run on railway.

an ordinary meeting, from time to time may enter into any contract with any person,

for the passage over any railway already constructed by the Commissioners, or hereafter to be constructed by them, of the engines, wagons, or other carriages of such person, upon the payment of such tolls or rent and under such conditions and restrictions as may be mutually agreed upon.

## 332. The Commissioners in meeting, other

Power to lease railway.

than an ordinary meeting, may lease any railway con-

structed or to be constructed by them under the provisions hereinbefore contained to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon, and every person to whom any such railway shall be so leased by the Commissioners shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting, other than an ordinary meeting, may, from time to time, enter into any contract with any person for the purpose of the construction of any railway within or without the Town, and for the purpose of maintaining and working of the same.

## PART IV.—Of Hospitals.

## 333. The Commissioners in meeting, other

Power to support hospitals.

than an ordinary meeting, may apply such sum as to them may seem proper

in or towards the maintenance and support of such hospitals for such purposes as they may think fit.

## CHAPTER XV.

## OF THE MUNICIPAL DEBT.

**334.** For the construction of works of a permanent nature under this Act, the Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the Local Government, from time to time, borrow by way of debenture on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest, and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

**335.** All the debentures aforesaid, issued under the authority of this Act, shall be in the form contained in the seventh schedule, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

**336.** The Commissioners in meeting, other than an ordinary meeting, may at any time, with the sanction of the Local Government, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

**337.** The Commissioners shall set aside yearly out of their annual income, before making any disbursements in respect thereof, *firstly*—such sum as may be required for the payment of the interest which may fall due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed; *secondly*—a sum of not less than two per cent. on the total sum borrowed by the Commissioners for the purposes of any enactment hereby expressly repealed exclusive of the sum now due, or of any sum which may hereafter become due, by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year.

And they shall invest the surplus (if any) of the said sum after repayment as aforesaid, or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Commissioners.

And all moneys and securities now held by any Trustees for the Commissioners for the purpose of paying off any sum borrowed by them, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

**338.** The Trustees shall from time to time, whenever any loans or debentures shall fall due by the Commissioners, realize the whole or a sufficient portion of the securities held by them as aforesaid, and appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures.

**339.** The Trustees shall, at the end of every year, submit a statement to the Commissioners showing the amount which has been invested during the year under section three hundred and thirty-seven, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Such statement shall be laid before the Commissioners and published in the *Calcutta Gazette*.

## CHAPTER XVI.

## OF BYE-LAWS.

**340.** The Commissioners may from time to time make bye-laws, not inconsistent with the provisions of this Act, to regulate—

- (a) all matters and things connected with the supply and use of water;
- (b) the time and places of bathing for persons of each sex in places provided or set apart for bathing purposes;
- (c) the deposit of dirt, dust, filth, and refuse of any kind whatsoever, the removing and carrying away the same, and charging the person making the deposit with the expenses of removing it;
- (d) the duties to be performed by tolsh mehters under section two hundred and forty-four, and the boundaries within which they are to be performed;
- (e) the management and charges for places provided for slaughter-houses under section two hundred and eighty-eight;
- (f) the inspection and management of, and conduct of, business in markets and slaughter-houses, and the keeping the same in a proper and cleanly state;
- (g) the inspection of places used for any of the purposes mentioned in section two hundred and ninety-seven, and the management and conduct of business within the same;
- (h) the inspection and management of burial and burning grounds;
- (i) and generally for carrying out the purposes of this Act.

**341.** The Commissioners may from time to time repeal, alter, or add to their bye-laws.

**342.** No bye-law, and no repeal or alteration of, or addition to, any bye-law shall have effect until the same has been confirmed by the Local Government.

**343.** No bye-law, and no repeal or alteration of, or addition to, any bye-law shall be confirmed until the same has been published in the English and Bengalee Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to, any bye-law shall be kept at the office of the Commissioners; and all persons may at any time between ten o'clock in the morning and five o'clock in the afternoon inspect such copy without fee.

**344.** Every bye-law and every repeal or alteration of, or addition to, any bye-law, when confirmed, shall be published in the English and Bengalee Government Gazettes, and a copy thereof in English and Bengalee shall be painted or placed on boards which shall be hung up in some conspicuous part of the office of the Commissioners.

**345.** Whoever infringes any bye-law made and confirmed under this Act shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

## CHAPTER XVII.

### OF PROSECUTIONS.

**346.** The Commissioners may direct any public nuisance whatsoever, and may order proceedings to be taken for the punishment of any person offending against any of the provisions of this Act, and for the recovery of any fines imposed under this Act, and may order the expenses of such prosecutions and proceedings to be paid out of the Municipal Fund.

Provided that nothing herein contained shall preclude any person from instituting a prosecution for nuisance, or from giving information and instituting a prosecution under the next succeeding section.

**347.** Every prosecution under this Act, except as provided in section three hundred and forty-nine, may be instituted before any Justice of the Peace;

and every fine imposed under this Act may be recovered by a summary proceeding before any Justice of the Peace upon an information exhibited by order of the Commissioners,

and in default of payment of such fine, the same may be levied under the warrant of such Justice of the Peace by distress and sale of the moveable property of the offender, with all such

power for the issuing of such warrant, and upon the return thereof, as are exercised by a Magistrate of Police under the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the Police of the Town of Calcutta.

And if the fine cannot be so levied, the offender may be punished by such Justice of the Peace with rigorous or simple imprisonment, as defined in section 53 of the Indian Penal Code, for a term not exceeding two months.

**348.** Whenever any prosecution shall be instituted before any Justice of the Peace under this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not so appear, such Justice of the Peace may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Such Justice of the Peace may exercise all such powers connected with the summoning, and enforcement of the attendance, of witnesses, and the production of documents, as are conferred on a Magistrate by the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the procedure of the Police Magistrates' Courts in Calcutta.

**349.** Every prosecution under section forty-one shall be instituted before such Magistrate or Court as would have jurisdiction to entertain a charge of the nature described in section 161 of the Indian Penal Code.

**350.** The Justice of the Peace by whom any fine is imposed under this Act, may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder, or, if he make no award to the informer, the whole of such fine, to be paid to the Municipal Fund.

**351.** No person shall be liable to any fine under this Act for any offence cognizable by a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace, within two months next after the commission of such offence: Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

**352.** If through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine;

and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

## CHAPTER XVIII.

## OF THE RECOVERY OF DAMAGES AND EXPENSES.

**353.** Where any damages, costs, or expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Small Causes.

Provided that when any work is executed by the Commissioners under this Act in default of the owner or occupier of the house or land doing such work, the expenses thereby incurred may be recovered by the Commissioners as a rate under Chapter VI.

**354.** In any case which is to be determined by the Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and, for that purpose, may examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of the said Court which shall determine the amount thereof.

**355.** If the amount of damages, costs, or expenses, ascertained in the manner above described, be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

**356.** Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

## CHAPTER XIX.

## MISCELLANEOUS.

**357.** No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit, and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue, and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

**358.** The Commissioners may make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers, or servants under this Act.

**359.** When any license is granted under section two hundred and forty-two or two hundred and eighty-seven authorizing the use of any place for any of the purposes therein described, and when permission is given under section two hundred and ten for putting up any projection, the Commissioners may charge a fee not exceeding one hundred rupees for such license or permission.

When permission is given under section one hundred and ninety-nine to make any temporary erection, the Commissioners may charge a daily fee not exceeding one hundred rupees for such permission.

**360.** When permission is given under section two hundred and thirteen or section two hundred and seventy-two, the Commissioners may charge rent for any land made use of in pursuance of such permission.

**361.** Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or by any person authorized by them in that behalf, produce such license to the Commissioners or to the person so authorized.

**362.** Whoever fails to produce his license when required to do so as aforesaid, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

**363.** Every notice, bill, form, summons, or notice of demand under this Act may be served personally on or presented to the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office, or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode, or of his place of business,



or of the house or land in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

**364.** Where any notice is required to be given to the owner or occupier of any house or land, such notice addressed to the owner or occupier, as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned.

Provided that when the owner and his place of abode are known to the Commissioners they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any house or land to be served on such owner or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land in respect of which the notice is served.

**365.** Whenever any work is required by this Act to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed:

and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and in default of payment thereof the same may be recovered as a rate under Chapter VI.

**366.** If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or at any time thereafter, occupies the house or land under such owner, and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

and every such occupier shall be entitled to deduct, from the rent payable by him to the owner, so much as is so paid by, or recovered from, him in respect of any such expenses.

**367.** No occupier of any house or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him, for the house or land in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable,

but nothing in this section shall affect any special contract made between any such owner or occupier, respecting the payment of the expenses of any such works as aforesaid.

**368.** Whenever default is made by the owner of any house or land, in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

**369.** If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of any house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace may, in writing, require such occupier to permit the owner to execute all such works, with respect to such house or land, as may be necessary for carrying this Act into effect;

and if after the expiration of eight days from the date of the order such occupier continue to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

**370.** Whoever, being the occupier of any house or land, fails to comply with any requisition made by a Justice of the Peace under the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**371.** No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

**372.** Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections two hundred, two hundred and seventy-four, two hundred and seventy-six, and two hundred and seventy-eight, the owners of any houses or lands are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or if they think fit, may take engagements from the said owners, for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

**373.** All police officers shall give immediate information to the Commissioners of any offence committed against this Act.

*Police officers to report offences to Commissioners and to arrest unknown offenders.*

Any police officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the police officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained at the station house until his name and address shall be correctly ascertained, or may be brought up at once before a Justice of the Peace.

**374.** If the Local Government shall have determined that any portion of the environs of the town shall be included in the system of sewerage and drainage authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then sections two hundred and fifteen to two hundred and thirty-four, both inclusive, shall have effect within the boundaries so declared;

*Certain provisions of this Act extended.*

and all such expenses and compensation as, under the said sections and by the provisions of this Act, may be determined by the Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by section 307 of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

**375.** Houses used exclusively for purposes of public worship shall be exempt from rates and taxes which under this Act may be imposed upon houses and land within the town.

*Houses used for public worship exempt from rates and taxes.*

of public worship shall be exempt from all rates and taxes which under this Act

**376.** Nothing in this Act contained shall be construed to

(a) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance:

(b) exempt any person guilty of nuisance from a suit in respect thereof:

(c) affect any enactment not hereby expressly repealed.

## FIRST SCHEDULE.

### BOUNDARIES OF WARDS.

(See Section 13.)

**Ward No. 1.**—Bounded on the north and east by Upper Circular Road and Mahratta Ditch; south by Grey Street; west by Upper Chitpore Road.

**Ward No. 2.**—Bounded on the north by the Mahratta Ditch; west by river Hooghly; south

by Nimtollah Ghât Street; east by Upper Chitpore Road.

**Ward No. 3.**—Bounded on the north by Ooltadgingee Main Road, the Mahratta Ditch, and Grey Street; south by Beadon Street and Halahi Bagan Road; west by Upper Chitpore Road; east by Mahratta Ditch.

**Ward No. 4.**—Bounded on the north by Beadon Street; south by Meechoa Bazar Road; east by Upper Circular Road and Mahratta Ditch; west by Cornwallis Street.

**Ward No. 5.**—Bounded on the north by Nimtollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

**Ward No. 6.**—Bounded on the north by Beadon Street; south by Meechoa Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

**Ward No. 7.**—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street, Dalhousie Square North, and Fairlie Place; east by Lower Chitpore Road; west by river Hooghly.

**Ward No. 8.**—Bounded on the north by Meechoa Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

**Ward No. 9.**—Bounded on the north by Meechoa Bazar Road; south by Bow Bazar Street; east by Upper Circular Road; west by College Street.

**Ward No. 10.**—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Wellington Street; west by Bontinek Street.

**Ward No. 11.**—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Lower Circular Road; west by Wellington Street.

**Ward No. 12.**—Bounded on the north by Loll Bazar Street, Dalhousie Square, and Fairlie Place; south by Esplanade Row; east by Bontinek Street; west by river Hooghly.

**Ward No. 13.**—Bounded on the north by Dhurrumtollah Street; south by Kyd Street, Free School Street, and South Cullinga Street; east by Wellesley Street; west by Chowringhee Road.

**Ward No. 14.**—Bounded on the north by Dhurrumtollah Street; south by South Cullinga Street; east by Lower Circular Road; west by Wellesley Street.

**Ward No. 15.**—Bounded on the north by South Cullinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

**Ward No. 16.**—Bounded on the north by Kyd Street and South Cullinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

**Ward No. 17.**—Bounded on the north by Theatre Road; south by Lower Circular Road; east by Lower Circular Road; west by Jail Road.

**Ward No. 18.**—Bounded on the north by Clyde Row; south by Tolly's Nullah Road; east by Kidderpore Bridge Road; west by Strand Road.

## SECOND SCHEDULE.

(See Section 65.)

## TAX ON CARRIAGES AND ANIMALS.

	Per half-year.	
	Rs.	A. P.
For every four-wheeled carriage drawn by two horses ...	12	0 0
If more than one such carriage, then for every such carriage after the first two-thirds of the above rate.		
For every four-wheeled carriage drawn by one horse, or pony, or mule, or a pair of ponies or mules under thirteen hands ...	6	0 0
If more than one such carriage, then for every such carriage after the first two-thirds of the above rate.		
For every two-wheeled carriage	6	0 0
For every horse (not a race horse), pony, or mule ...	6	0 0
For every race horse ...	12	0 0
For every pony or mule under thirteen hands ...	2	0 0

NOTE.—Animals under eleven hands in height, and carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted.

## THIRD SCHEDULE.

(See Section 75.)

## LICENSEE ON PROFESSIONS, TRADES, AND CALLINGS.

## Class I.

Yearly.  
Rs.

Every Joint Stock Company ... 100

## Class II.

Every merchant, banker, shroff, banian, wholesale trader, and commission agent, and every practising surgeon, physician, dentist, architect, civil engineer, builder, contractor, carrying company, barrister, attorney, proctor, notary public and pleader of the High Court.

Every owner or farmer of a hant or bazar ... 50

Every owner of cotton, jute, hide, or other screws, and every auctioneer ...

Every hotel-keeper, boarding-house keeper, lodging-house keeper, shop-keeper, plumber, gasfitter, manufacturer, or retail trader, whose shop or place of business is assessed under Chapter V at one hundred rupees a month or upwards ...

## Class III.

Every broker or dalal employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandise ... 25

Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills of exchange, and every freight broker ...

## Class III.—(Continued.)

Yearly.  
Rs.

Every practising licentiate of medicine, apothecary, and veterinary surgeon ...

Every owner of a dispensary, spirit or liquor shop, or shop for the sale of intoxicating drugs, and punch house, or billiard room, wholesale tobacco or jute depôt ...

Every owner of a steam ferry boat or cargo boat ...

Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas-fitter, carriage and horse-dealer, shop-keeper, manufacturer, or trader, whose shop or place of business is assessed under Chapter V at or above twenty-five rupees, but at less than one hundred rupees a month ... 25

Every pawn-broker, money-lender, and every person having a shop or place of business registered under section two hundred and ninety-one or licensed under section two hundred and ninety-two ...

Every pleader, moohiteer, or law agent, not included in Class II ...

## Class IV.

Every hotel-keeper, boarding and lodging-house-keeper, owner of a carriage or a palanquin let out for hire, plumber, gas-fitter, band supplier, carrier, stamp vendor, carriage or horse dealer, shop-keeper, manufacturer or trader whose shop or place of business is assessed under Chapter V at or above ten rupees but at less than twenty-five rupees a month ... 12

Every keeper of a permanent stall at a daily public market or in a chawk ...

Every poddar or money changer ...

Every hukam and koberej, practising native doctor ...

Every order supplier, cooly supplier, shipping agent, or boat supplier ...

## Class V.

Every keeper of a shop not included in any other Class, and every dalal not included in Class III ... 4

Every pedlar, hawk, boxwallah, and midwife ...

## Class VI.

All itinerant dealers hawking goods for sale in baskets or trays ... 1

NOTE.—A person who carries on several kinds of business, and may come under more than one of the descriptions in this schedule, shall be chargeable only under one of such descriptions, at the discretion of the Commissioners, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered payment by the firm.

## FOURTH SCHEDULE.

(See Section 122.)

## NOTICE OF DEMAND.

TAKE notice that the Commissioners of the Town of Calcutta demand from you the sum of \_\_\_\_\_ due from\* [you] as owner (or occupier) (here describe the property or thing upon which the rate or tax is imposed) for the months of 187 ; and that if the sum due, together with \_\_\_\_\_ for this notice, is not paid into the office of the said Commissioners at \_\_\_\_\_

\_\_\_\_\_ or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(LS) (Signature of the Chairman,  
Vice-Chairman or Secretary).

Date \_\_\_\_\_

\* In the case of a demand on the occupier of a house under section one hundred and twenty-six, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

## FIFTH SCHEDULE.

(See Section 122.)

## DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant.)

WHEREAS \_\_\_\_\_ of \_\_\_\_\_ has not paid or shown sufficient cause for the non-payment of the sum of \_\_\_\_\_ rupees due for the rates (or taxes) (or taxes and rates) mentioned in the margin for the months of \_\_\_\_\_

187 although the said sum has been duly demanded in writing from the said \_\_\_\_\_

and seven days have elapsed since the service of the notice of demand: This to is command you to distrain the moveable property of the said \_\_\_\_\_ (or as the case may be any moveable property found on the premises referred to) to the amount of the said sum of \_\_\_\_\_

rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property; and having paid and deducted out of the proceeds of the sale the said sum of \_\_\_\_\_ rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said \_\_\_\_\_, you are to certify the same to us together with this warrant.

(LS) (Signature of the Chairman,  
Vice-Chairman or Secretary.)

## SIXTH SCHEDULE.

(See Section 123.)

## FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

TAKE notice that I have this day seized the moveable property specified in the above Inventory for the sum of \_\_\_\_\_ rupees due for the rates (or taxes) mentioned in the margin, for the months of \_\_\_\_\_ 187 ; and that unless you pay into the Office of the Commissioners of the Town of Calcutta the amount due, together with the costs of this distress within seven days from the day of the date of this notice, the said property will be sold.

(Signature of the Officer executing  
the Warrant of Distress.)

Date \_\_\_\_\_

## TABLE OF FEES PAYABLE IN DISTRAINTS.

(See Section 124.)

Sum distrained for.	Fee.	
	Rs.	As.
Under 5 Rupees	0	4
5 and under 10 Rupees	0	8
10 " 15 "	1	0
15 " 20 "	1	8
20 " 30 "	2	0
30 " 40 "	3	0
40 " 50 "	4	0
50 " 60 "	5	0
60 " 70 "	6	0
70 " 80 "	7	0
80 " 90 "	8	0
90 " 100 "	9	0
Above 100	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

## SEVENTH SCHEDULE.

(See Section 335.)

## FORM OF DEBENTURE.

The Commissioners for the Town of Calcutta  
Calcutta, the \_\_\_\_\_ 187

No. \_\_\_\_\_

By virtue of the Calcutta Municipal Consolidation Act, 1876, we, the Commissioners of the Town of Calcutta incorporated under the said Act, in consideration of the sum of \_\_\_\_\_ rupees paid to us by A. B. of \_\_\_\_\_ promise to pay to the said \_\_\_\_\_ or order the said sum of \_\_\_\_\_ rupees \_\_\_\_\_ after the date hereof, together with interest thereon at the rate of \_\_\_\_\_ per centum per annum, payable half-yearly, on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_

(Signature of the Chairman or Vice-Chairman and two Commissioners.)



## TENTH SCHEDULE.

(See Section 2.)

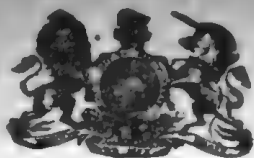
## ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
VI of 1863	Calcutta Municipal Affairs ... ..	So much as has not been repealed.
Sec. 49 of III of 1864.	District Municipal Improvement ... ..	So far as the same applies to Suburbs and Howrah.
VII of 1865	Slaughter-houses ... ..	So far as the same applies to Suburbs.
IX of 1865	Amendment of Bengal Act VI of 1863 ... ..	The whole Act.
VI of 1866	Further amendment of Bengal Acts VI of 1863 ... ..	So much as has not been repealed.
I of 1867	Explanation of Bengal Act VI of 1863 ... ..	The whole Act.
IX of 1867	Amendment of Bengal Act VI of 1863 and VI of 1866 ... ..	So much as has not been repealed.
XI of 1867	Pauper Hospital and Calcutta Police ... ..	The whole Act.
V of 1868	Subjecting a portion of Hastings to the Calcutta Municipal Acts.	The whole Act.
I of 1870	Calcutta Water-rate ... ..	The whole Act.
VI of 1871	Modifying and amending the constitution of the corporation of the Justices of the Peace for Calcutta	The whole Act.
VIII of 1871	Markets ... ..	So much as has not been repealed.
I of 1872	Extending borrowing powers of the Justices and providing for the repayment of the municipal debt.	The whole Act.
II of 1874	Markets ... ..	The whole Act.

FREDERICK CLARKE,

Offg. Asst. Secy. to the Gort. of Bengal,  
Legislative Department.





# The Calcutta Gazette.

WEDNESDAY, APRIL 10, 1876.

## PART III.

### Act of the Bengal Council.

GOVERNMENT OF BENGAL.

#### LEGISLATIVE DEPARTMENT.

##### Second Publication.]

THE following Act passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honor on the 25th March 1876, and having been assented to by His Excellency the Governor-General on the 6th April 1876, is hereby promulgated for general information :—

#### ACT No. IV OF 1876. THE CALCUTTA MUNICIPAL CONSOLIDATION ACT, 1876.

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*An Act to consolidate and amend the law relating to the Municipal Affairs of Calcutta.*

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the Town of Calcutta; It is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

1. This Act may be cited as "The Calcutta Municipal Consolidation Act, 1876."

Short title.

And it shall come into force on such date as the Local Government may direct, not being more than three months after the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Commencement.

2. The enactments specified in the tenth schedule are hereby repealed to the extent mentioned in the third column thereof.

Enactments repealed.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of any thing done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules prescribed, assessments, valuations, measurements, divisions, and appointments made, powers conferred, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In respect to all the matters aforesaid, the Commissioners under this Act shall be substituted for the Justices of the Peace for the Town of Calcutta.

3. In this Act—unless there be something repugnant in the subject or context—

Interpretation clause.

Animal.

"Animal" means a horse, pony, mule, or bullock.

"Bazar" means any place of trade, where there is a collection of shops and warehouses, and any place where a market is held.

"Bazar."

"Carriage" means any wheeled vehicle with springs used for the conveyance of human beings.

"Carriage."

"Cart" means any cart, hackery, or wheeled vehicle with or without springs not included in the definition of carriage.

"Cart."

"Chapter" means Chapter of this Act.

"Chapter."

"Chairman" means the Chairman of the Commissioners of the Town of Calcutta.

"Chairman."

"Commissioner of Police" means the officer so styled and appointed under section 4 of the Calcutta Police Act, 1866, or under any other Act for the time being in force for regulating the Police of the Town of Calcutta.

"Commissioner of Police."

"Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta.

"Court of Small Causes."

"Drug."

"Drug" includes medicine for internal or external use.

"House."

"House" includes any hut, building, or shed.

"Immoveable property" and "land" respectively mean land, benefits to arise out of land, anything attached to the earth, or permanently fastened to anything attached to the earth.

"Immoveable property."

"Land."

"Moveable property" means property of every description, except immoveable property.

"Moveable property."

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Local Government."

"Owner."

"Owner" includes—

- (a) the person entitled for the time being to receive the rent of the land in respect of which the word is used;
- (b) an agent of such person;
- (c) a trustee for such person;

But no such agent or trustee shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands, as such agent or trustee, to do such thing.

"Police Force" means the Police Force as constituted under section 8 of the Calcutta Police Act, 1866, or under any other Act for the time being in force for regulating the Police of the Town of Calcutta.

"Police Force."

"Public Street" means any road, street, square, court, alley, or passage whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, and also the footway and drains attached to any street, public bridge (other than the Hooghly bridge), or causeway within the Town.

"Public Street."

"Street" means any road, street, square, court alley, or passage, not included in the definition of public street.

"Street."

"Railway."

"Railway" includes a tramway.

"Schedule."

"Schedule" means schedule annexed to this Act.

"Section."

"Section" means section of this Act.

"Slaughter-house" means any place used for the slaughter of cows, or bullocks, or sheep, or goats, or pigs, or kids, for the purpose of selling the same as meat.

"The Suburbs" mean the Suburbs of Calcutta as defined by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*, under the provisions of Act III of 1864 of the Lieutenant-Governor of Bengal in Council, or of any other Act for the time being in force.

"The Commissioners" means the "Corporation of the Town of Calcutta."

"The Town" includes all places within the local limits of the ordinary original civil jurisdiction of

the High Court of Judicature at Fort William in Bengal, but not

- (a) Fort William ;
- (b) The Esplanade ; or
- (c) Coolie Bazar, now called Hastings, except such portion as is bounded on the north by Clyde Row, on the south by Tolly's Nullah, on the east by the road leading from Kidderpore bridge to Clyde Row, and on the west by the Strand Road.

## CHAPTER II.

### OF THE MUNICIPAL AUTHORITIES.

#### PART I.—Of the Constitution of the Corporation and the application of the Municipal Funds.

4. The Commissioners of the Town of Calcutta shall consist of seventy-two members, to be appointed or elected as hereinafter provided, and shall, by the name of "The Corporation of the Town of Calcutta," be a body corporate, and have perpetual succession and a common seal, and by such name shall sue and be sued.

The aforesaid number of seventy-two shall not include the Chairman or the Vice-Chairman of the Commissioners in the event of those two officers not being appointed or elected Commissioners under this Act, but in such case the said Chairman and Vice-Chairman shall be *ex-officio* Commissioners.

The said seventy-two members shall be male persons resident within the Town or the Suburbs who have attained the age of twenty-one years.

5. All property, moveable and immovable, and all interest of whatsoever nature and kind therein now vested in or held in trust for the Justices of the Peace for the Town of Calcutta, with all rights of whatsoever description now used, enjoyed, or possessed by the said Justices, shall become vested in the Commissioners for the purposes of this Act.

6. Of the said seventy-two members twenty-four shall be appointed by the Local Government immediately after the result of the election hereinafter mentioned shall have been published, and such appointment shall take effect from the date on which such election takes place.

7. The remaining forty-eight members shall be elected as hereinafter provided by male persons resident within the Town or Suburbs, who shall have attained the age of twenty-one years.

8. Any person qualified as aforesaid who shall have paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV assessed on land or masonry buildings, or taxes mentioned in Parts I and II of Chapter III, or any of the said rates and taxes, for the next preceding year, to the aggregate amount of not less than twenty-five rupees, may, if not entitled to vote in more wards than one under the next succeeding section, vote in one only of the wards mentioned in section thirteen, and may choose the ward in which he resides, or in which his place of business is situated, or in which any of the said land or masonry buildings is situated.

9. Any person qualified as aforesaid, who shall have paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV assessed on land or masonry buildings for the next preceding year on account of land or masonry buildings situated in more than one of the said wards, shall be entitled to vote in each ward in which he shall have been a rate-payer to the extent of twenty-five rupees; and no such person shall be entitled to vote on account of any taxes paid under Parts I and II of Chapter III.

The word "land" in this and the last preceding section does not include huts erected on land.

10. Any company registered under the "Indian Companies' Act, 1860," which has paid any of the said rates or taxes, or rates and taxes, to the aggregate amount of not less than twenty-five rupees on the date and for the period and in the manner mentioned in section eight, shall be entitled to one vote in the ward in which the place of business of the said company is situated, and such vote shall be given by the secretary of the company, or some other person duly authorised in that behalf.

11. Every male person shall be qualified for election as a member of the Corporation who shall have severally paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January in the year in which the election takes place, any of the rates mentioned in Chapter IV, or taxes mentioned in Parts I and II of Chapter III, or any of the said rates and taxes, for the next preceding year, to the aggregate amount of not less than fifty rupees.

Provided that no officer of the Corporation shall be qualified for election as a member of the Corporation so long as he shall remain in the employ of the Commissioners, except the Chairman and Vice-Chairman as hereinbefore provided.

**12.** Where the aggregate amount of rates or taxes, or of rates and taxes, paid by a joint undivided family, or by two or more partners in any trade or business, or by the joint occupiers of any house or land, under Chapter IV, or under Parts I and II of Chapter III, on the date and for the period and in the manner aforesaid, is not less than one hundred rupees, any one member of such family, or any one of such partners or joint occupiers, may, if otherwise qualified, be eligible for election as a member of the said Corporation.

If the majority of the members of such joint family, or of such partners, or of such joint occupiers, agree to select one of their number, the person so selected shall be eligible for election under this section. But if the majority do not so agree, the Chairman shall decide which of the said members, partners, or joint occupiers is so eligible, and such decision shall be final and conclusive.

**13.** For the purpose of the aforesaid election of Commissioners the Town shall be divided into eighteen wards, the boundaries of which are defined in the first schedule.

The first, second, third, fourth, eleventh, and eighteenth of the wards described in the said schedule may each elect two Commissioners, and the remaining wards may each elect three Commissioners.

Every person qualified to vote as hereinbefore provided may vote for as many candidates as there are Commissioners to be elected in the ward of wards allotted to such person under section eighteen, and may give all or any of the votes which he is entitled to give in any one ward to any candidate in that ward.

**14.** If the rate or tax-payers of any ward shall fail to elect the number of Commissioners allotted to such ward under the last preceding section, the Local Government shall, in place of such election, appoint one or more Commissioners to complete the number so allotted as aforesaid.

**15.** If any person is elected a Commissioner for more than one of the said wards, he shall within five days of the date of the election, choose, or in default thereof, the Chairman shall forthwith declare, the ward for which such person shall serve; and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the Chairman shall so declare; and thereupon the rate and tax-payers of the other ward or wards in which the said person has been elected a Commissioner shall forthwith proceed to elect another Commissioner in the manner provided by this Act.

**16.** Where an equality of votes is found to exist between any two candidates at any election under this Act, and the addition of a vote would entitle any of such candidates to be elected a Commissioner, the Chairman may give such additional vote, and the candidate to whom

such additional vote has been given shall thereupon be held to be elected a Commissioner.

**17.** The first election shall take place at any time, not being less than two, or more than three months from the commencement of this Act; and until such election has taken place, and until the appointment of members by the Local Government takes effect under section six, this Act shall be read as if all the Justices of the Peace for the Town of Calcutta had been respectively appointed or elected Commissioners under this Act.

All subsequent elections, not being elections under section twenty-three, shall take place on the expiration of three years from the date of the previous election.

Votes at all elections shall be rendered by means of voting papers.

The Local Government may from time to time make rules, not being inconsistent with this Act, for the purpose of regulating all matters connected with such elections, and may at any time cancel or modify any of the said rules, and the result of all elections shall be published in the *Calcutta Gazette*.

The Local Government may declare the penalties which shall be incurred by the breach of any such rule, and any person committing a breach of any such rule shall be liable to the penalty so declared; provided that no higher penalty shall be incurred by the breach of any such rule than a fine of fifty rupees.

The expenses of all elections under this Act shall be paid out of the Municipal Fund.

**18.** Any person qualified to vote at an election, or to be elected as a Commissioner, may, at any time, not being less than six weeks or more than three months before the election takes place, apply personally or by letter to the Chairman of the Commissioners for registration of his name as such voter or person qualified as aforesaid, and shall, at the same time, if he is entitled to vote in one ward only, name the ward in which he wishes to vote; and if he is entitled to vote in more than one ward, name the wards in which he is entitled to vote.

On receipt of such application the Chairman shall, if he is satisfied that such person is qualified to vote or to be elected as aforesaid, enter the name of such applicant in a list, and shall allot to him the ward or wards which he may have named as aforesaid; and no person whose name is not entered in such list at the time of the election shall be qualified to vote, or to be elected as a Commissioner.

If the applicant shall omit to name a ward as aforesaid, the Chairman shall allot to him such ward as to the Chairman may seem fit, and if the applicant shall omit to name the wards as aforesaid, the Chairman shall allot to him the wards in which he is entitled to vote.

**19.** As soon as possible after the commencement of this Act, and subsequently from time to time on any date or dates not less than one month before the election (not being an election under section twenty-three) takes place, the list mentioned in the last preceding section shall be printed and affixed by the Chairman of the Commis-

sioners in some conspicuous place in or near his office, and at the Police station of each of the said wards, or at some conspicuous place in each of the said wards; and the Chairman shall forthwith give notice of such publication in one English and one vernacular newspaper published within the Town, and the said list shall be open to public inspection at all reasonable times of the day for fifteen days after the date of the publication of such notice.

The Chairman shall be at liberty at any time to revise the said list for the purpose of removing therefrom the name of any person not duly qualified and erroneously entered therein, or of recording the name of any person duly qualified and erroneously omitted therefrom.

**20. Any person qualified to vote at an election, or to be elected, whose**

*Appeal from decision of Chairman.*

name is omitted from the list referred to in the last preceding section, may, in case the Chairman shall refuse to insert his name in such list, apply to a stipendiary Magistrate of Police for the town of Calcutta within eight days after such refusal for an order to have his name inserted in such list, and such Magistrate shall, after enquiry, make such order as to the insertion or omission of the name of the applicant as shall be just; and such order, if it directs the insertion of the name of the applicant in such list, shall be forthwith obeyed by the Chairman. The order of such Magistrate made under this section shall not be appealable.

**21. No election shall be deemed to be invalid,**

*Erroneous omission of entry does not affect election.*

or shall be in any way affected, by reason of the name of any person duly qualified as aforesaid being omitted from the said list, or by reason of the name of any person not duly qualified as aforesaid being inserted therein; and no election shall be deemed to be invalid by reason only of any defect of form in the conduct thereof.

**22. The members of the said Corporation**

*Term for which members to be appointed or elected.*

shall be appointed or elected respectively for a term of three years. At the expiration of the term for which the members of the said Corporation may be appointed or elected respectively, they shall cease to be members of the said Corporation, but shall be eligible to be again appointed or elected members of the said Corporation for a further term or terms.

Provided that the said term of three years shall be held to include any period which may elapse between the expiration of the said three years and the date of the next subsequent election, not being an election under the next succeeding section.

**23. No person shall be qualified to be or to**

*Disqualification of members. Successors how appointed.*

continue to be a member of the said Corporation who is or becomes at the time, or during the term of his appointment or election, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a joint stock company) in any contract with the Corporation; and no person who is absent from Calcutta for six months consecutively, or who shall be sentenced to imprisonment, shall be qualified to continue to be such member.

In case of the death, resignation, or disqualification as aforesaid of any member of the said Corporation, his successor shall be forthwith appointed or elected in the manner hereinbefore provided, and such successor shall remain a member of the said Corporation for the residue only of the term for which the member so dead, resigned, or disqualified was originally appointed or elected.

Provided that no act of the Commissioners or their officers, or of the Commissioners in meeting, shall be deemed to be invalid by reason only that the number of the Commissioners did not amount to seventy-two at the date of the performance of such act.

**24. Whoever, being qualified to vote or claiming to be qualified to vote at any election under**

*Penalty for taking bribe.*

this Act, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification whatever, as a motive or reward for giving or forbearing to give his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being elected a member of the said Corporation.

**And whoever, by any gift or reward, or by any**

*Penalty for giving bribe.*

promise, agreement, or security for any gift or reward, corrupts or procures, or offers to corrupt or procure, any person to give or forbear to give his vote in any such election, shall be liable to a fine not exceeding five hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being elected a member of the said Corporation.

**25. All property vested in the Corporation,**

*Application of municipal property and funds.*

and all funds received or raised by them in accordance with the provisions of this Act, shall be applicable to the purposes expressly authorised by this Act.

**26. The purposes expressly authorised by this**

*Objects to which municipal property and funds shall be applicable.*

Act shall be held to include the objects connected with the public safety, health, and convenience hereinafter specified; that is to say:—

*Public Safety.*

(1) Defraying the cost of the Police who may be employed for the security of life and property within the Town, in the manner and to the extent mentioned in Chapter VIII.

(2) Provision for lighting the public streets, places, and buildings, and for the securing or removal of dangerous places, buildings, and trades.

*Public Health.*

(1) Defraying the cost of the maintenance of Hospitals and of charges of Vaccination, Registration of Births, Deaths, and Marriages, and taking a Census.

(2) Construction and maintenance of public markets and slaughter-houses, latrines, privies, depôts for the deposit or discharge of night-soil, urinals, drains, sewers, drainage-works, water-works, bathing-ghats, drinking-fountains, tanks, wells, squares, and gardens, reclamation of unhealthy localities, and the like.

(3) Cleansing and watering of streets, sewers, scavenging, removal of noxious vegetation, and generally the abatement of all nuisances.

(4) Regulation of offensive trades, and burial and burning grounds, and the removal of and providing sites for the same.

*Public Convenience.*

(1) Construction, maintenance, and alteration of streets, bridges, causeways, culverts, and the like; regulation of buildings, naming streets and numbering houses, planting trees, and removal of obstructions and projections.

(2) Erection and maintenance of public halls, offices, police stations, lock-ups, and other buildings under the control of the Corporation, or required for municipal or police purposes.

(3) Survey of houses and preparation of plans. And generally all objects connected with the public safety, health and convenience.

*PART II.—Of the Duties of the Corporation.*

27. It shall be the duty of the Commissioners, Duties of Commis- sioners. and they are hereby required, to

(1) provide for the payment of the interest on the municipal debt in the manner prescribed by section three hundred and thirty-seven;

(2) provide for the establishment of a reserve fund in the manner prescribed by the said section;

(3) provide such funds as may be necessary for the maintenance of the police in the manner and to the extent mentioned in Chapter VIII;

(4) complete and extend throughout the Town the new underground drainage works now under construction, and for that purpose to expend annually a sum, being not less than one lakh and a half of rupees, or, with the sanction of the Local Government, any sum less than the above amount, to be raised as provided by section three hundred and thirty-four;

(5) maintain a water-supply in the manner and to the extent mentioned in Chapter VII;

(6) make adequate and suitable provision for the cleaning and the conservancy of the town, and to provide such funds as may be necessary for that purpose.

28. If it shall appear to the Local Government that the Commissioners have failed to make adequate and suitable provision for the cleaning and the conservancy of the Town to an extent likely to be prejudicial to the health of the inhabitants of the Town, or of any part thereof, the Local Government may, by notification in the *Calcutta Gazette*, appoint a Commission, consisting of three persons, of whom one shall be the Sanitary Commissioner for Bengal, or the Senior Medical Officer of the Presidency, the second shall be appointed by the Commissioners in meeting within thirty days of the date of the said notification, or in their default, by the Local Government, and the third by the Local Government; and the Local Government shall order the members of the said Commission to report within a certain time, to be fixed by the Local Government, whether they are of opinion that the cleaning and the conservancy of the Town are defective to an extent likely to be prejudicial to the health of the inhabitants of the town, or of any part thereof, and, if they shall be of such opinion, to specify in their report what further provision should be made for the cleaning and the conservancy of the Town up to the end of the year then current, or of the year next succeeding, as may be directed by the Local Government, and to submit an estimate of the cost of the said further provision.

29. On receipt of the said report, the Local Government shall forward the same for the consideration of the Commissioners, and if the Commissioners shall decline to carry out the provisions recommended therein, the Local Government may order that such provisions, or any of them, or any portion of them respectively, be carried out; and thereupon it shall be the duty of the Commissioners to comply with such order, and to provide the funds mentioned in the said estimate, or such portion thereof as the Local Government may fix; and the Chairman shall forthwith carry out such order, and shall defray the cost of carrying out the same from the Municipal Fund, notwithstanding any power conferred on the Commissioners by section fifty-three, or anything to the contrary contained in any other provision of this Act.

In default of Commissioners, Local Government may carry out recommendations contained in report of the Commission

Provided that, if there is a difference of opinion among the members of the said Commission, the opinion and report of the majority of the said members shall be held to be the opinion and report of the Commission.

*PART III.—Of the Officers of the Corporation.*

*30. The Local Government shall from time to time appoint a proper person to be Chairman of the Commissioners.*

Appointment and removal of Chairman of the Commissioners.

Such Chairman may be removed from office by the Local Government if his removal be recommended by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting of the Commissioners shall have voted, but not otherwise.

31. The Commissioners, at a special general meeting to be held for that purpose, may from time to time appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Commissioners.

Such appointment shall be subject to the approval of the Local Government.

32. The Commissioners may, at a special general meeting, from time to time, appoint proper persons, for such period as they may think fit, to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor for the Town, or may appoint a proper person to two or more of such appointments or to one.

Every person so appointed, and also the Vice-Chairman, shall reside within the Town, and shall in all things be under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and may be removed by the Commissioners by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting shall have voted, and another person may be appointed in his place.

All appointments and resolutions under this section shall be subject to the approval of the Local Government.

33. The Chairman and Vice-Chairman shall reside within the Town, and each of them shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman

Chairman and Vice-Chairman to reside in Calcutta and not elsewhere in any other profession or trade.

shall have or engage in any other profession, trade, or business whatsoever:

Provided that—

- (a) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such Officer shall fill no other appointment than those specified in this section.
- (b) The Chairman may also hold the office of Commissioner of Police, or of Commissioner as interpreted in section one of Bengal Act No. V of 1870 (to appoint Commissioners for making Improvements in the Port of Calcutta); and may perform such other duties as the Local Government may from time to time assign to the Commissioner of Police.
- (c) The Chairman may also be a member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.
- (d) The Vice-Chairman may, with the sanction of the Local Government, be appointed to and may hold any other office in the employ of the Commissioners to which he may be appointed at a special general meeting.

**34. The Chairman and the Vice-Chairman respectively may receive**

such allowances out of the Municipal Fund as shall be, from time to time, fixed by the Commissioners at a special general meeting.

Such allowance shall not exceed—

- (a) for the Chairman three thousand rupees a month (exclusive of house-rent, which may or may not in the discretion of the Commissioners be allowed);
- (b) for the Vice-Chairman twelve hundred rupees a month.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

**35. Every Secretary, Engineer, Surveyor,**

Health Officer, Collector of Salaries of Secretary, Engineer, &c. Taxes, and Assessor, appointed as hereinbefore provided, may receive such allowance out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

**36. The Chairman may from time to time**

appoint all such Overseers, Clerks, Subordinate Officers, and servants, as he shall think necessary and proper to assist in carrying out this Act, and may from time to time remove any of such persons and appoint others in their place;

and may, with the sanction of the Commissioners in meeting, other than an ordinary meeting, pay out of the Municipal Fund such allowances to the said persons respectively, or, in case of absence on leave, such portion thereof as he shall think reasonable; Provided that the allowances of the offices filled by the said persons shall have been sanctioned in meeting, other than an ordinary meeting.

But no person shall be appointed to, or removed from, any office the monthly salary of which exceeds two hundred rupees, without the sanction of the Commissioners in meeting, other than an ordinary meeting.

**37. The Commissioners may in meeting, other**

than an ordinary meeting, with the sanction of the Local Government, grant such leave of absence to the Chairman or any Officer appointed under sections thirty-one and thirty-two, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the Local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other Officer shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other Officer for whom he may be appointed to act would, under this Act, have or be liable to.

**38. In any case in which leave of absence**

shall be granted under the last preceding section, the Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction of the Local Government, out of the Municipal Fund, pay to the Chairman or other Officer aforesaid such allowance during absence on leave as shall to them seem proper.

**39. The Commissioners may in meeting, other**

than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for pensions and gratuities to be granted, and to be paid out of the Municipal Fund, to their officers and servants, and may repeal, alter, or add to such rules.

No rule, and no repeal, or alteration of, or addition to any rule, shall have effect until the same has been confirmed by the Local Government and published in the Calcutta Gazette.

The Commissioners may in meeting, other than an ordinary meeting, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit

**40. No Chairman or Vice-Chairman, or other**

officer or servant of the Commissioners shall be interested directly or indirectly in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit brought by or on behalf of the Commissioners.



Provided that no person shall, by reason of being a shareholder in, or a member of, any incorporated or registered Company, be deemed interested in any contract entered into between such Company and the Commissioners.

41. If any person employed under this Act (not being a public servant within the meaning of Section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act ;

or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person, with the Commissioners or with any public servant, or with the Government, as such, he shall be punished with imprisonment, either simple or rigorous as provided in section 53 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

PART IV.—Of the Mode of transacting Business and entering into Contracts.

42. The Commissioners shall provide and keep an office within the Town, and shall at such office, and during all days of business, keep open a book in which shall be entered all reasonable complaints made, orally or by letter, by any inhabitant, or the owner, or occupier of any house or land within the Town, of any matter cognizable by the Commissioners ;

and the proper Officer of the Commissioners shall forthwith enquire into the truth of all such complaints, and report thereon to the Commissioners ; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant, or owner, or occupier of any house or land within the Town.

43. There shall be four quarterly meetings in every year, and one ordinary meeting in every month, at which the Commissioners shall meet for the transaction of general business.

The quarterly meetings shall be held in the months of January, April, July, and October, or in any month to which the quarterly meetings first called for the months of January, April, July, and October may be adjourned ; and the ordinary meetings at such dates as the Commissioners in meeting may from time to time direct.

Provided that no ordinary meeting need be called if there be no business to be laid before it by the Chairman or by any of the Commissioners.

44. The Commissioners shall, from time to time, as occasion may require, at a special meeting to be convened for that purpose or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said ordinary and quarterly meetings ; and no business, save such kind of business, shall be transacted at such meetings :

But the Chairman may postpone the discussion of any question that may be raised at any such meeting, and refer the determination thereof to a

special or special general meeting to be convened within fourteen days thereafter.

45. The Chairman or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special or special general meeting of the Commissioners.

Previous to any such meeting, at least five days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in at least two of the daily newspapers published within the Town.

46. No business shall be brought before, or transacted at, any special or special general meeting other than the business specified in the notice given under the last preceding section :

Provided that any Commissioner may submit to a special or special general meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than two clear days' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

47. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Commissioners present at the meeting before which the matter may be brought.

48. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause ; and the Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place ; but no business shall be transacted at any adjourned meeting, other than the business left unfinished at the meeting from which such adjournment took place.

49. No business shall be transacted at any meeting unless a quorum of Commissioners be present at such meeting, that is to say :—

- (a) At an ordinary meeting at least six ;
- (b) At a special meeting at least nine ;
- (c) At a special general, or quarterly meeting, at least eighteen.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient

time and place as he shall think fit; and the business which should have been brought before the original meeting had there been a quorum present, shall be brought before, and disposed of by the adjourned meeting in the usual manner, whether there be a quorum present at such adjourned meeting or not;

Provided also that no business shall be brought before an adjourned special general or quarterly meeting, unless there are at least ten Commissioners present at such adjourned meeting.

#### 50. Minutes of the proceedings of all

Minutes of proceedings of meetings to be kept, and to be open for inspection.

meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and minutes of each meeting shall be laid on the table at the next subsequent meeting, and the said Minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.

#### 51. At any special general or quarterly meeting,

Declaration by President that a resolution has been carried.

unless a poll be demanded by at least five Commissioners, and at any special or ordinary meeting, unless a poll be demanded by at least three Commissioners, a declaration by the President that a resolution has been carried, and an entry to that effect in the Book of Proceedings of the Commissioners shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against such resolution.

#### 52. If a poll be demanded as in the last

Poll how to be taken.

preceding section mentioned, the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting.

#### 53. The Chairman or Vice-Chairman shall,

Chairman or Vice-Chairman to attend daily for the transaction of business, and to exercise the powers of the Commissioners.

except upon such holidays as shall be allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with or arising under this Act, and, when so attending, shall have all the powers vested by this Act in the Commissioners; and they may respectively exercise the like powers at all times in carrying out the orders of the Commissioners, or in executing any work sanctioned by them, and generally in the management of the business aforesaid:

Provided that no Chairman or Vice-Chairman shall act in opposition to, or contravention of, any order of the Commissioners, or exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting.

#### 54. The Commissioners may enter into and

Modes of contracting by, and on behalf of, the Commissioners.

perform all such contracts as may be necessary for carrying this Act into effect.

Every contract made on behalf of the Commissioners in respect of any sum exceeding one thousand rupees, or in respect of any property

exceeding one thousand rupees in value, shall be in writing, and signed by the Chairman (or, in his absence, by the Vice-Chairman), and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such contract shall be made without inviting tenders thereon, and without the approval of a Committee of the Commissioners.

Unless so executed it shall not be binding on the Commissioners.

The Commissioners may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

#### 55. The Commissioners in meeting may from

Commissioners may appoint Committees

time to time appoint, from among the Commissioners, such and so many Committees, either of a general or of a special nature, and consisting of such number of persons, as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Commissioners would be better regulated or managed with the advice and aid of any such Committee:

Provided that the Chairman or Vice-Chairman shall be a member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Commissioners at a meeting;

Provided also that in cases where the Chairman and the majority of the Committee differ on any matter, no action shall be taken in respect of such matter until it be disposed of by the Commissioners in meeting.

#### PART V.—Of the Estimates of Income, Expenditure, and Audit.

#### 56. At the quarterly meeting to be held in

A Budget or Estimate of income and expenditure to be submitted annually to the Commissioners.

the month of October in each year, the Chairman shall lay before the Commissioners a Budget or Estimate, prepared by him, of the income and expenditure of the Commissioners (not mentioned in Chapter VIII) for the year commencing on the first day of January then next succeeding, in such detail and form as the Commissioners shall from time to time, by order passed at a quarterly or special general meeting, direct.

Such Budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least seven days prior to the meeting before which the Budget is to be laid.

#### 57. The Budget shall show what expenditure

Budget of expenditure.

it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Provided that nothing contained in this section shall preclude the Commissioners in meeting from

sanctioning expenditure not provided for in the Budget.

58. It shall be in the discretion of the Commissioners at the meeting referred to in section fifty-six to pass or to reject, or to modify, the estimates of all or any sums entered in the Budget.

No new work or series of works, the entire estimated cost of which shall exceed fifty thousand rupees, shall be commenced without the sanction of the Local Government.

59. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year at such time and by such auditors as shall, from time to time, be appointed by the Local Government.

60. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

61. If any such person neglect or refuse to make or sign such declaration, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

62. All auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Commissioners in meeting, other than an ordinary meeting, shall from time to time determine.

63. Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which the same will be made, by advertisement in at least two of the daily newspapers, published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners, and be open during office hours thereat, to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the Calcutta Gazette.

## PART VI.—Of the Fixing of Rates.

64. At the quarterly meeting to be held in the month of October in each year as aforesaid, the Commissioners shall fix the rates at which the rates and taxes hereinafter mentioned shall be imposed for the year commencing on the first day of January then next ensuing, and the rate so fixed shall not be altered before the quarterly meeting held in the next succeeding month of October, except by a resolution passed by the Commissioners at a special general meeting.

## CHAPTER III.

### OF TAXES.

#### PART I.—Of the Tax on Carriages and Animals.

65. A tax at a rate not exceeding the rates specified in the second schedule shall be imposed upon all carriages and animals kept within the Town, and shall be payable in advance. But it shall not be imposed on—

- (a) animals belonging to Officers doing regimental duty at the Presidency, at the rate of one animal for each Officer;
- (b) animals exempt from any municipal tax under section 25 of the Indian Volunteers' Act, 1869;
- (c) carriages or animals belonging to the Government or to the Commissioners;
- (d) carriages, the wheels of which do not exceed twenty-four inches in diameter;
- (e) animals under eleven hands in height;
- (f) carriages kept for sale by *bona fide* dealers in such carriages and not used for any other purpose;
- (g) animals used by, or in, any cavalry regiment, or by the Police Force.

66. The person in possession of every carriage or animal kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the office of the Commissioners, a statement in writing signed by him, containing a description of the carriages and animals in his possession liable to the tax.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the carriages and animals specified in such statement, according to the rates given in the second schedule.

Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of any carriage or animal so kept, shall, within a week of becoming so possessed, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year, according to the rates specified in the second schedule.

The Commissioners may, if they are satisfied that any such carriage or animal has been kept for only a portion of the then current half-year, remit the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section a livery stable-keeper shall be deemed to be possessed of every animal in his stable.

67. Whenever any person shall pay to the Commissioners the amount of the tax which under the two last preceding sections shall be payable by him in respect of all carriages and animals kept within the Town, the Commissioners shall grant to such person a license to keep within the Town such carriages and animals during the current half-year ending upon the first day of January, or the first day of July which shall occur next after the grant of such license, and no longer.

68. Whoever keeps or is in possession of any carriage or animal without the license required by the two last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

69. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers, and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons, in lieu of the taxes specified in the second schedule.

70. Whoever, having compounded for the payment of a certain sum under the last preceding section, refuses to pay such sum, shall be liable to a fine not exceeding three times the amount payable by him in respect of such composition, exclusive of the amount so payable.

71. The Commissioners may, by a notice in writing under their common seal, require any person who shall carry on the trade or business of a livery stable-keeper, to produce, for the inspection of the Commissioners or of any officer authorized by them in that behalf, all books and accounts relating to the business of a livery stable-keeper carried on by such person.

72. The Commissioners or any person authorized by them in that behalf, may at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under sections sixty-five and sixty-six, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

73. Whoever neglects or refuses to comply with a notice served under section seventy-one, and who ever hinders or obstructs the Commissioners or any person appointed by them, from or in entering or inspecting any stable, coach-house, or place, in the manner provided in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

74. The Commissioners shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the office of the Commissioners and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section sixty-seven, and of the carriages and animals in respect of which the same has been granted.

#### PART II.—Of the Tax on Professions, Trades, and Callings.

75. Every person who shall, within the Town, exercise any of the professions, trades, or callings, specified in the third schedule, shall yearly take out a license, and shall pay for the same such sum as is in the third schedule mentioned.

The Commissioners may in their discretion remit any portion of the sum so payable, if they are satisfied that any such person has exercised any such profession, trade, or calling, for a portion of the year only.

76. The license mentioned in the last preceding section shall be granted by the Commissioners or by some person authorized by them in that behalf, and shall specify, the date of the grant thereof, the name of the person to whom the license is granted, the profession, trade, or calling for which the license is granted, and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year in which it is granted until the thirty-first day of December next after the day of the granting thereof, and no longer.

77. Whoever exercises any trade, profession, or calling without the license required by section seventy-five, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

78. The Chairman, or some other officer authorized by him in that behalf, shall determine under which of the classes mentioned in the third schedule, every person to whom a license may be granted shall be assessed, and the Chairman may in his discretion remit the payment of license tax either in whole or in part to any person classified under Classes 5 or 6 of the third schedule.

79. Any person may, within fourteen days of the date of his being informed of the class under which he has been assessed as determined in the last preceding section, appeal against such assessment by delivering at the office of the Commissioners an application in writing stating the grounds of appeal; and such appeal shall be heard and determined by not less than three Commissioners other than Executive Officers of the Commissioners.

No such appeal shall be heard unless the amount of the license assessed as aforesaid has been deposited with the Commissioners.

If no appeal be made within the time limited as aforesaid, the decision of the Chairman or Vice-Chairman shall be final.

**80.** The Commissioners may, by a notice in writing under their common seal, require the occupier of any house to forward to them a list in writing signed by him of the names of all persons residing in such house, and of their respective professions, trades, and occupations.

**81.** Whoever being the occupier of any house fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

**82.** As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under sections seventy-five and seventy-six which shall state

the profession, trade, or calling of every such person therein named;  
the class under which he is assessed;  
and the sum paid by him in respect of his license;  
and such list shall be kept in the office of the Commissioners and be open to public inspection at all reasonable times.

#### PART III.—Of the Registration of Carts.

**83.** Every cart kept or used within the Town, or the Suburbs, or Howrah, shall be registered in the office of the Commissioners with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

**84.** Whoever keeps or is in possession of a cart not duly registered as required by the last preceding section, shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required by the last preceding section, shall be liable to a fine not exceeding five rupees.

**85.** The registration of carts, under the last preceding section, shall be made and the numbers assigned half-yearly, on or after the first day of January and the first day of July in each year, upon such days as the Commissioners shall appoint, and a fee of four rupees shall be paid for each registration.

The Commissioners may in their discretion remit any portion of the fee so payable if they are satisfied that the cart hereinbefore required to be registered has been kept or used as in the last preceding section mentioned for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last mentioned registration.

One-sixth of the total net proceeds of the fees half-yearly received by the Commissioners for the

registration of carts, after deducting charges incurred in and about such registration, shall be paid half-yearly by the Commissioners to the municipality of the Suburbs, and one-twelfth of such proceeds to the municipality of Howrah.

Provided that it shall be in the discretion of the Local Government, from time to time, to alter the proportion of the said proceeds required by this section to be paid by the Commissioners to the municipalities of the Suburbs and of Howrah respectively, and to prescribe such other proportions as to it shall seem proper.

**86.** The three last preceding sections shall not apply to carts—

- (a) which are the property of the Government,
- (b) which are the property of the Commissioners, the Municipal Commissioners of the Suburbs, or of Howrah,
- (c) or which are kept at any place more than eight miles distant from Government House, and are only temporarily and casually used within the Town, the Suburbs, or Howrah.

**87.** If any person owns or keeps any cart hereinafter required to be registered, without having caused the same to be registered, the Commissioners or

any Officer authorized by them in that behalf, may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animals or cattle drawing the same, and may detain them;

and all Police Officers shall, on the application of the Commissioners or their Officers as aforesaid, seize and detain any such cart, animals, or cattle.

If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of a Justice of the Peace, or Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the Municipal Fund of Calcutta.

#### CHAPTER IV.

##### OF RATES.

##### PART I.—Of Imposing the Rates.

**88.** The Commissioners shall, as provided in section sixty-four, impose upon all houses and land within the town the following annual rates, which shall be calculated on the annual value of the said houses and land—

- (a) a House-rate, not exceeding ten per centum;
- (b) a Water-rate, not exceeding six per centum when the houses and land are situated in streets supplied with filtered water in the manner provided by section one hundred and twenty-nine, and not exceeding five per centum when the houses and lands are situated in streets not so supplied.
- (c) a Police-rate, not exceeding three per centum;
- (d) a Lighting-rate, not exceeding two per centum.

The Commissioners may impose upon all houses and land situated within the boundaries declared under section one hundred and sixty-eight an annual Drainage-rate, not exceeding two and a half per centum of their annual value.

**89. The House-rate and Drainage-rate shall**

Rates by whom and when payable. be payable by the owners of the houses and land.

The Water-rate shall (save as is provided in sections ninety-nine and one hundred) be payable by the occupiers of the houses and land.

The Police and Lighting-rates shall (save as is provided in section one hundred) be payable by the occupiers of the houses and land.

All the rates hereinbefore mentioned shall be payable by quarterly instalments.

The House-rate shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

The Water-rate shall (save as is provided in section ninety-nine) be payable in advance on the dates above mentioned for the current quarter.

The Police and Lighting-rates shall be payable in advance on the dates above mentioned for the current quarter.

**PART II.—Of the Owner's Rates.**

**90. If the annual value of any house or land as**

If assessment be made at a higher annual value than the amount paid by the occupier, owner may recover difference from him.

assessed under Chapter V, shall in any case exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the

difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him.

**91. Where any house or land, whereon the**

Remission of house-rate when house vacant.

rate is assessed under Chapter V, has been vacant for sixty consecutive days

during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house or land has been vacant, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

**92. No remission shall be made under the**

No remission unless application be made within six months from vacancy.

last preceding section, unless the same shall be applied for within six months from the date of cessation of occupation of the house or land on account of which the

remission is applied for.

**PART III.—Of the Occupier's Rates.**

**93. Whenever any quarterly instalment of**

Refund of Water-rate when house ceases to be occupied.

Water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quar-

ter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such Water-rate shall be entitled to be repaid by the Commissioners three-fourths of

such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

**94. Whenever any quarterly instalment of the**

Refund of Police and Lighting-rates when house ceases to be occupied.

Police and Lighting-rates shall have been paid in respect of any house or land, and such house or land shall,

during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

**95. No refund of rates shall be made under**

No refund of rates unless application made within six months from vacancy.

the two last preceding sections, unless the same is applied for within six

months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

**96. Whenever any house or land, which shall**

Rate payable on house or land becoming occupied.

have been unoccupied, shall be occupied during any quar-

ter, there shall be forthwith payable in respect of such house or land, such amount of the Water, Police, and Lighting-rates as shall bear to the entire quarterly instalments of the said rates for such house or land the same proportion as the residue of such quarter after such house or land shall be occupied bears to an entire quarter.

**97. Whenever any person holding any house or**

Person subletting to different persons to be deemed occupier.

land at a rent from the person liable to pay the House-rate has or may sublet the same to different persons holding

in severalty, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

**98. Whenever the person from or by whom**

Occupier paying Water-rate to deduct one-fourth from rent due to owner.

the Water-rate shall have been recovered or paid shall not be the owner of the house or land in respect of

which the Water-rate shall have been assessed, such person may recover from the owner of such house or land one-fourth of the Water-rate so paid by deducting the same from the rent payable by him to such owner.

**99. Whenever any house or land has been**

When house or land unoccupied, owner to pay one-fourth of Water-rate.

unoccupied during an entire quarter, the owner of the said house or land shall pay

to the Commissioners one-fourth of the sum which would have been payable as Water-rate by the occupier if such house or land had been occupied.

The sum payable by the owner under this section shall be payable on the first of April, the

first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

**100.** If any house is occupied by more than one person holding in severalty, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the Water, Police, and Lighting-rates upon the owner of such house, or upon the owner of the land on which such house is situated.

**101.** If the Water-rate is paid by the owner of any house or land under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier three-fourths of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier three-fourths of such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

**102.** If the Police and Lighting-rates are paid by the owner of any house or land under section one hundred, such owner may, if there be but one occupier of the house, recover from such occupier the entire amount of the rates so paid by such owner;

and if there be more than one occupier, he may recover from each occupier such sum as shall bear to the entire amount of rates so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

**103.** Every owner who, under the provisions of the two last preceding sections, may be entitled to recover any sum from the occupier of any house or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the house as may be in his occupation.

## CHAPTER V.

### OF THE ASSESSMENT OF HOUSES AND LAND.

**104.** The estimated gross annual rent at which any house or land, liable to rate under this Act, might reasonably be expected to let from year to year, shall, for the purposes of any rate to be imposed under this Act, be held and be deemed to be the annual value of such house or land.

The value of land so estimated shall not include the value of any machinery thereupon.

Provided that all the unoccupied land, roads, and slopes of the Port Commissioners shall be rated at the rent for which the said land, roads, or slopes might be reasonably expected to let, in the same manner as if the said land, roads, and slopes were used for other than public purposes, and belonged to persons other than a public body, save and except the road extending from the northern boundary of the premises occupied by the East India Railway Company at Arminian Ghat

to the Chitpore canal, and the road extending from the Chitpore road to the river Hooghly at Coomartollah Ghat, for a width not exceeding seventy feet and sixty feet respectively, which shall be exempted from assessment of any rate under this Act.

**105.** All assessments made by the Commissioners prior to the commencement of this Act shall remain in force during the period for which they were so made, and on the expiration of such assessments, the annual value at which any house or land is to be assessed shall be fixed by the Commissioners, and such house or land shall be assessed upon the value so fixed for six years from the date on which it is so fixed.

**106.** If, during the currency of any period mentioned in the last preceding section, any substantial alteration and improvement is made to any such house or land, the Commissioners may cause such house or land to be again assessed, even though such period has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment.

**107.** If, during the currency of any period mentioned in section one hundred and five, any such house or land shall receive substantial injury through fire, cyclone, the act of God, or civil commotion, or suffers material depreciation from any cause proved to the satisfaction of the Commissioners to have been beyond the control of the owner or occupier thereof, the Commissioners shall, as soon as practicable, on application being made to them in writing by the owner or occupier of such house or land, cause such house or land to be again assessed, even though the current period of assessment has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment;

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of assessment, to the house or land which shall have been again assessed as aforesaid, the Commissioners may cause such house or land to be again assessed as under section one hundred and six.

**108.** The annual value assessed by the Commissioners as hereinbefore provided, shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written in distinct columns—

- (a) the name of the owner;
- (b) the name of the occupier, if the occupier is the person liable to pay the rate;
- (c) a designation of the property, sufficient to identify the same, together with the name and number of the street (if any) in which it is situated;
- (d) the amount of the rate assessed thereon; and
- (e) the amount of the rate assessed on the house and on the land respectively, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land.



The book required to be kept under this section is hereinafter called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

#### 109. The Commissioners shall from time to time

New valuation or measurement to be made.

make a valuation or measurement of all houses and land within the Town, and for such purpose may divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement district by district, and shall enter the same in the assessment book.

#### 110. The Commissioners may require the

Returns may be required for purpose of valuation.

owner or occupier of any house or land, to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land, after giving a notice in writing of not less than twenty-four hours.

#### 111. Whoever refuses or fails to furnish any

Penalty.

such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house or land, shall be liable to a fine not exceeding two hundred rupees for every such offence.

#### 112. When the valuation or measurement of

Public notice of valuation and measurement to be given.

any of the districts of the Town, into which it may have been divided by the Commissioners, shall have been completed, the Commissioners shall give public notice thereof, and of the place where the assessment book, or a copy thereof, may be inspected, by advertisement in at least two of the English daily newspapers, and in two vernacular newspapers, published within the Town, and also by placards posted up in conspicuous places throughout such district of the Town;

and the person in whose custody the assessment book may be, shall permit every person being the owner or occupier of any house or land included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee, and every person not being such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one rupee.

#### 113. The Commissioners shall, in all cases in

Notice when valuation made for first time or increased.

which any house or land is for the first time assessed, or in which the valuation or measurement of any house or land previously assessed is increased, give special notice thereof to the owners or occupiers of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

#### 114. Appeals against any assessment made by the Commissioners under this Chapter shall lie

Appeals.

- (a) to not less than three Commissioners, other than executive officers of the Commissioners; or
- (b) to the Court of Small Causes.

In any case of an appeal to the Court of Small Causes under this section the said Court may follow the procedure laid down in sections three hundred and fifty-four and three hundred and fifty-five.

#### 115. Any person desiring to appeal against

Notice to be given by person appealing.

any assessment made under this chapter, shall, within fifteen days of the publication of the notice referred to in section one hundred and twelve deliver at the office of the Commissioners a notice in writing, stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (a) or (b) of the last preceding section.

No appeal shall lie as hereinafore provided unless the amount of the house-rate for one quarter, under the assessment about to expire, has been deposited with the Commissioners;

and unless the appeal is proffered by the person who, at the time the appeal is made, shall be recorded in the said book as the owner of the house or land to which the appeal refers, or by the occupier thereof, or by the agent of either of them.

#### 116. The Commissioners shall give notice of a

Notice of day for hearing appeals.

day, not being less than fifteen days from the publication of such notice, when they will proceed to hear the appeals under clause (a) of section one hundred and fourteen.

Every appeal under clause (b) of the said section shall be presented to the Small Cause Court within seven days from the date of the delivery of the notice at the office of the Commissioners under the last preceding section.

#### 117. The assessment by the Commissioners of

Assessment by Commissioners when to be final.

any rate, when no appeal therefrom is made as hereinafore provided, and the adjudication of any appeal under the two last preceding sections, shall be final and conclusive.

#### 118. The assessments made by the Commis-

Assessments to be entered in assessment book.

sioners, subject to such alterations as may from time to time thereafter be duly made on appeal, shall be entered in the assessment book, and the rate calculated on the said assessment shall, subject to such alterations as aforesaid, be deemed to be the rate for the whole period for which the assessment is made, and this period shall be calculated from the commencement of the quarter next succeeding that in which any such amendment shall be so authenticated; and until such date the old assessment shall continue in force, notwithstanding that the period for which the old assessment was made may have expired.

#### 119. The Chairman or Vice-Chairman may at

Alteration or amendment of assessment.

any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted, or by inserting any house or land liable to the rate, after

giving notice, to any person interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out the name of any person or any house or land not liable to the rate, or reducing the amount of the assessment, without notice:

and if any amendment shall be made, in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice for such amendment; and the provisions of sections one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, and one hundred and seventeen, shall, so far as may be practicable, apply to such appeal.

120. It shall not be necessary to prepare a new assessment book at the expiration of each period of assessment, but the Commissioners in meeting, other than an ordinary meeting, may adopt the valuation or measurement and assessment contained in any assessment book for any previous period, with such alterations as may in particular cases be deemed necessary, as the valuation, or measurement and assessment for the period next following:

Provided that sections one hundred and ten to one hundred and eighteen (both inclusive) shall, as far as may be practicable, be applicable to such valuation or measurement and assessment, and to the assessment book or books in which it is contained.

#### CHAPTER VI.

##### OF LEVYING THE RATES.

121. When any rate is due, the Commissioners shall cause to be presented, to the person liable to the payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property, for which the rate is charged.

Provided that whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land, the assessment on the land and on the house shall be separately entered in the said bill.

122. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand, in the form contained in the fourth schedule, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause, to the satisfaction of the Commissioners, for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, under a warrant in the form contained in the fifth schedule, or to the like effect, to be issued for that purpose by the Commissioners.

For every notice of demand under this section which the Commissioners shall cause to be served

upon any person, a fee, not exceeding one rupee, shall be paid by such person.

Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

123. The officer charged with the execution of a warrant of distress under the last preceding section shall make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing, in the form contained in the sixth schedule, or to the like effect, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

124. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the moveable property at the time of the seizure.

All sales of property under this section shall, so far as may be practicable, be regulated by the procedure now in force, or hereafter to be in force, in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon distrains under this Act according to the rates set forth in the Table of Fees in the sixth schedule.

All officers and servants of the Corporation are prohibited from purchasing any property at any such sale.

125. The moveable property of any person from whom any rate is due may be distrained, wherever the same may be found, for default in payment of the money due from him.

126. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of the house or land, and, on non-payment thereof, may recover the same by distress and sale of any moveable property found on the house or land, and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him.

Provided that no arrear of rate, which has remained due from the owner of any house or land for more than one year, shall be so recovered from the occupier thereof.

127. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him; but all persons aggrieved by such irregularity may recover full

satisfaction for any special damage sustained by them in any court of competent jurisdiction.

**128.** Instead of proceeding by distress and sale, or in case of failure to realize by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

#### CHAPTER VII.

##### OF THE WATER-SUPPLY.

**129.** The Commissioners shall provide a supply of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in all the chief public streets of the Town, and shall also erect, in all such streets, sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants of the Town for domestic purposes.

The said stand-pipes or pumps shall be so placed that there shall not be any portion of any such chief street at a greater distance than one hundred and fifty yards from some such stand-pipe or pump.

**130.** A supply of water for domestic purposes shall not include a supply of water for animals, or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purpose.

**131.** The Commissioners shall, between the hours of six in the forenoon and nine in the afternoon, so far as may be reasonably practicable, keep and maintain in their pipes and mains a sufficient supply of filtered water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall daily, from the hour of seven in the forenoon to nine in the forenoon, and from the hour of five in the afternoon to six in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet.

**132.** The Commissioners may, supply water through a meter, for purposes other than domestic purposes, provided that the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed.

The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, other than an ordinary meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Commissioners.

**133.** The occupier of every house shall be entitled to have, free of further charge, fifteen hundred gallons of filtered water for every rupee paid to the Commissioners

as water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use through a ferrule of such size as the Commissioners may determine. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at the rate of one rupee for every fifteen hundred gallons.

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Nothing contained in the first clause of this section shall apply to houses assessed at less than twelve hundred rupees per annum.

**134.** It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water-closets; and wherever filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

**135.** All latrines and water-closets now supplied, or hereafter to be supplied, with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct; and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

**136.** Every person paying the water-rate hereinafter mentioned shall be entitled to lay down communication-pipes from the service pipes of the Commissioners, for bringing into his house or land a reasonable supply of water for domestic use; provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

The communication-pipes leading the water from the service pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve; and shall be made and constructed at the expense of the person requiring the same.

**137.** The communication-pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners, upon such terms as may be

agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners; and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed; and such charges and expenses shall be recoverable in the same manner as the water-rate.

**138.** The Officer authorized in that behalf by the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid, in order to examine all pipes, works, and fittings, connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

and if such Officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, the Commissioners may forthwith turn off the water from such house or land.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

**139.** In the event of any pipes, works, or fittings connected with the supply of water to any house or land, being at any time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover the expense incurred for turning off the water from the occupier of such house or land.

**140.** If any person supplied with water shall neglect to pay the water-rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may turn off the water from the house or land in respect of which such rate or charge is payable, by cutting off the pipe to such house or land, or by such means as the Commissioners may think fit, and may recover the expenses of turning off the water from such person;

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

**141.** The occupier of any house or land in which water supplied by the Commissioners under this Act is, from negligence or other circumstances under the control of the said occupier, wasted, or in whose house or land the pipes, works, and fittings for the supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding twenty rupees.

**142.** Any person causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

Person causing waste of water liable to penalty.

**143.** It shall be within the discretion of the Commissioners to allow any person, not residing within the limits of the Town, to take or be supplied with water for his domestic use on such terms as the Commissioners in meeting, other than an ordinary meeting, may from time to time prescribe. And any person taking or causing to be taken for use outside the limits of the Town water supplied by the Commissioners without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

Penalty.

**144.** It shall not be lawful for any person to execute any work in connection with the laying on of water from any service pipes of the Commissioners to any house or land, unless he shall hold a license from the Commissioners authorising him to do so as a plumber under such rules and regulations as the Commissioners may from time to time lay down, and which shall be printed on the back of his license. Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners, and shall also be liable to a fine not exceeding twenty rupees.

Penalty.

**145.** Any owner or occupier of any house or land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners, shall not be entitled to demand a connection with the Commissioners' service pipes.

**146.** Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in advance at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct, by the person applying for the said connection; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

**147.** The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person; and the expense of making such connection shall be

Connection with service pipes to be executed only by an officer of the Commissioners.

Occupier in whose house water is wasted liable to penalty.

payable in advance by the person applying for the same, at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct.

**148.** If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding twenty rupees, and upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

**149.** Any person who shall unlawfully flush, draw off, divert, or take water from any water-works belonging to or under the management or control of the said Commissioners, or from any water or streams by which such water works are supplied, shall be liable to a fine not exceeding one hundred rupees.

**150.** Any occupier holding direct from the owner of any house may, by notice in writing signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of such works during the residue of his term of occupation.

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main, such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

**151.** If any owner shall not, within the space of three months from the service of such notice as is mentioned in the last preceding section, cause such necessary works as aforesaid to be completed, the occupier, who shall have given such notice, may cause the same to be completed, and may deduct from the rent payable by him the cost of such works, save so much of such cost as may be incurred in connecting with a supply-main any house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem, from the time when it shall have been so deducted.

**152.** The supply of water to a house shall not be deemed sufficient for domestic use unless it provides two taps in each floor of such house, one other such tap in the cookroom of or attached to such house, and one other such tap in the premises, or in or near the stables belonging to such house, and the necessary works for such taps.

But if the annual rent of such house, with the land attached thereto, shall be less than three hundred rupees, it shall be sufficient to provide one tap only within the said premises, and the necessary works for the same.

**153.** No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

**154.** In case there shall be any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorized by them in that behalf, shall be binding on the owner and the occupier.

**155.** There shall be payable to the Commissioners in respect of every such reference a fee at the rate of two rupees for every hundred rupees of the monthly rent of the house or land in respect of the water-supply to which the difference may have arisen:

Provided that such fee shall in no case exceed ten rupees, and shall be paid by the person making the reference.

**156.** Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair.

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the commencement of this Act.

**157.** Any owner to whom any sum is payable under sections one hundred and fifty and one hundred and fifty-one, may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house in respect of which the expenses have been incurred.

**158.** All public tanks, reservoirs, aqueducts, wells, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

**159.** If any person, being the proprietor of any gas-works,

or being engaged or employed in the manufacture or supply of gas, or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

willfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is

fouled or corrupted, the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person;

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

#### 160. The water-rate and all monies collected,

received, or recovered for  
Application of rates and monies received from the supply of water.  
or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the said Commissioners in defraying the expense of making, extending, or maintaining the water-works,

in paying the interest of money borrowed for the water-works,

and in the liquidation of debts incurred in connection therewith, or for some other purpose connected with the supply of water.

### CHAPTER VIII.

#### OF THE POLICE BUDGET.

161. The Commissioner of Police shall, on or before the first day of September in each year, transmit to the Commissioners a Budget or Estimate of the expense of the Police Force for the year commencing on the first day of January then next ensuing

162. The Police Budget shall show the various heads of the estimated expenditure of the Police Force, and the intended distribution of the Police Force during the year to which it relates.

163. The Chairman shall forthwith, upon the receipt of any such Budget, cause the same to be printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House; and shall lay every such Budget before the Commissioners at the next quarterly meeting of the Commissioners, or at a special general meeting.

The Commissioners shall thereupon forward such Budget to the Local Government, with such remarks as to them may seem fit, and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

164. If during any period for which a Police Budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such Budget is insufficient to defray the necessary expense of the Police Force for such period, the Commissioner of Police may prepare a supplemental Budget for such period,

and the provisions of the three last preceding sections shall apply to such supplemental Budget.

165. The amount of the estimates passed shall, after deducting therefrom the amount of estimates to be paid to Government, such amount as may from time to time be allowed by the Government from the General Revenues towards the maintenance of the Police Force, be paid to the Local Government, or to such Officer as the Local Government may from time to time direct, by the Commissioners out of the annual proceeds of the Police rate; and it shall not be lawful for the Commissioners to expend from the said proceeds any sums for purposes other than those provided in the Budget of the Commissioner of Police and duly sanctioned by the Local Government under section one hundred and sixty-three.

166. On or before the first day of April in every year, the Commissioner of Police shall present to the Chairman, to be laid before the Commissioners at their next monthly meeting, an account of the expense of the Police Force for the year ending the thirty-first day of December then next preceding, and in case the amount, which shall during such year have been paid to the Local Government under the provisions hereinbefore contained, shall not have been expended in the maintenance of the Police Force, the balance remaining unexpended shall be deemed to have been paid by the Commissioners in or towards discharging the expense of the Police Force during the ensuing year.

### CHAPTER IX.

#### OF THE SYSTEM OF DRAINAGE FOR THE TOWN AND ITS ENVIRONS.

167. The Commissioners may carry out such a complete system of sewerage and drainage within the Town as they may think fit, subject to the approval of the Local Government, and to such alterations as may from time to time be ordered by it.

168. The Local Government may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may designate the boundaries thereof in the *Calcutta Gazette*, and for the purposes of the Drainage-rate the land within such boundaries as aforesaid shall be deemed to be part of the Town.

### CHAPTER X.

#### OF THE REGISTRATION OF BIRTHS AND DEATHS.

169. The Commissioners shall keep in their office a Register of all births and deaths in the Town, and for this purpose shall divide the Town into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a Registrar of births and deaths within such district; and the Commissioners shall at each burning ghât and native burial-ground appoint a Sub-Registrar for the registration of all corpses brought to such burning ghât or burial ground for cremation or interment.

**170. Every Registrar shall dwell within the**

Every Registrar to live in his district, but of Registrars to be published, &c.

district of which he is Registrar, and every Sub-Registrar shall dwell in the vicinity of the burning ghât or native burial ground for which he is appointed; and they shall cause their names, with the addition of Registrar for the district, or Sub-Registrar for the burning ghât or native burial ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling-houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every Registrar and Sub-Registrar in the Town.

**171. The Commissioners shall cause to be prepared and printed a sufficient**

Commissioners to have Registrar books prepared and numbered.

number of Register books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in the eighth and ninth schedules, and the pages of such book shall be numbered progressively from the beginning to the end.

**172. Every Registrar shall inform himself**

Registrar to inform himself of, and register, births and deaths.

of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the eighth and ninth schedules respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

**173. The father or mother of every child born**

Information of birth to be given within eight days.

in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child shall have been born, shall, within eight days after the day of the birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

**174. Some one of the persons present at the**

Information of death to be given.

death, or in attendance during the last illness, of every person dying in the Town, or, in case of the death, illness, inability or default of all such persons, the occupier of the house, or if the occupier be the person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the Registrar of the district, or Sub-Registrar at the burning ghât or burial ground, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person:

Provided that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital it shall be the duty of the Medical Officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the

ninth schedule of the occurrence of any death in the hospital under his charge.

**175. Any person whose duty it shall be to**

Penalty.

give information to a Registrar or Sub-Registrar under the two last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding twenty rupees.

**176. Every person by whom the information**

Person giving information to sign the Register.

contained in any Register of births or deaths under this Act shall have been given, shall sign in the Register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it:

Provided that the Registrar may fill up and sign the Register for any person who is unable to write:

Provided further that in the case of a person dying in any hospital the registration of the death shall be deemed to be complete on receipt by the Commissioners of the written notice from the Medical Officer in charge of the said hospital prescribed in section one hundred and seventy-four.

**177. It shall not be lawful for any sexton,**

Corpse must be accompanied by a certificate before it is buried or burnt.

keeper of a cemetery, burial ground, or burning ghât to bury, burn, or allow to be buried or burned, any corpse, unless the said corpse is accompanied by a certificate in the form specified in the ninth schedule, and signed by a Registrar or Sub-Registrar appointed under section one hundred and sixty-nine, or by a Medical Officer.

**178. Whoever buries, burns, or allows to be**

Penalty.

buried or burnt, a corpse without the certificate mentioned in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

**OF TAKING A CENSUS.****179. At such times and in such manner as**

Account of population to be taken.

the Commissioners may from time to time appoint, an account shall be taken of the number of persons who, at the time of taking such account, shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

**180. The Chairman or Vice-Chairman shall**

Chairman or Vice-Chairman to superintend the taking of an account of the population.

superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Local Government, deem necessary; and the expenses thereby incurred shall be paid out of the Municipal Fund.

**181. Each Police division of the Town shall**

Enumeration Districts.

be formed into one or more enumeration districts.

**182. At such times as shall be appointed under**

At the appointed time, occupiers of houses shall give the required information.

section one hundred and seventy-nine, and as shall be notified in the *Calcutta Gazette* by the Local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and



every person to whom a form, as mentioned in section one hundred and eighty-four, may have been delivered, shall afford such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner as may under this Act be required of them.

**183.** The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and, except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf.

Provided that, in the case of females, no account shall be taken either of their name or age.

**184.** The Chairman, when he deems such a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of the Local Government, to be delivered to any occupier of any dwelling-house who may be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

**185.** Any military or naval Officers in command of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or mandah, or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their dwellings, on the night immediately preceding the day to be appointed.

**186.** Whoever, being required under section one hundred and eighty-four to fill in any form, or under section one hundred and eighty-three to act as an enumerator, fails so to do, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

**187.** The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all homeless persons, and all persons who, during the said night immediately preceding

the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

**188.** The enumerators shall fill in all forms for those persons who are unable to write.

## CHAPTER XI.

### OF CONSERVANCY AND IMPROVEMENT.

#### PART I.—Of the Streets.

**189.** All public streets in the Town (not being the property and kept under the control of the Government) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets shall vest in and belong to the Commissioners.

**190.** The Commissioners, making due provision to the owners and occupiers of any houses or land which may be required for any such purposes, may

- (a) lay out and make new streets;
- (b) build and construct new bridges;
- (c) turn, divert, discontinue, or stop up any public street; and
- (d) widen, open, enlarge, or otherwise improve any such street.

For the purposes of this section the Commissioners in meeting may purchase any land necessary for houses and buildings to form any public street, or for the improvement of any public street.

**191.** The Commissioners shall, so far as the Municipal Fund permits, from time to time cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

**192.** The Commissioners shall cause the public streets of the Town to be sufficiently lighted; and the sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said Lighting-rate and no more; but the Commissioners may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, cleaning and maintenance of lamps, lamp-posts, pipes, and other necessary apparatus.

**193.** The Commissioners shall cause the public streets to be regularly swept and cleansed; and the dust, dirt, filth, and refuse of every kind whatsoever found thereon to be collected and removed.

**194.** The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, filth, and refuse, arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in such receptacles and between such hours as they may from time to time direct.

**195.** Every person who, after such receptacles have been provided, and after such requisition as above

Penalty.

mentioned, shall deposit, or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding ten rupees.

**196.** Whoever deposits, or suffers to be deposited, any dust, dirt, filth or refuse of any kind whatsoever, in any public street,

Penalty for depositing dirt in public street, &c.

or on any public quay, jetty, ghāt, or landing place, or on any part of the river bank, whether above or below high-water mark, except in such places, and in such manner, and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding ten rupees for every such offence.

**197.** Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being

Penalty for allowing sewage to flow on streets.

in his house or land, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any offensive matter from any sewer or privy, to run, drain, or be thrown into, a surface drain in any street (public or otherwise), shall be liable to a fine not exceeding ten rupees for every such offence.

**198.** The Commissioners shall, so far as the Municipal Fund permits,

Watering streets.

and so far as they may deem requisite for the public convenience, cause the chief public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

**199.** Whoever builds any wall, or erects, or sets up any fence, rail, post, or other obstruction or encroachment, in any public street,

Penalty for making obstructions in public streets.

or in or over any drain, sewer, or aqueduct, after the commencement of this Act, shall be liable to a fine not exceeding one hundred rupees; and the Commissioners shall have power to remove any such obstruction or encroachment, as also all walls, fences, rails, posts, or other obstruction or encroachment erected in any public street, or in or over any open drain, sewer, or aqueduct, subsequent to the first of June in the year one thousand eight hundred and sixty-three, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Nothing herein contained shall prevent the Com-

Temporary erections on occasions of festivals, &c.

missioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or for building purposes.

**200.** Every person who wishes to make or lay out any new street, shall give notice in writing thereof to the Commissioners, showing

Private persons laying out new streets.

the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Commissioners;

and the Commissioners may, if they think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered;

or may cause any house, erected in any such street, otherwise than in accordance with such level and width, to be altered, or, if necessary removed,

and the expenses thereby incurred shall be paid by the person offending.

If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month from the delivery of the aforesaid notice at the office of the Commissioners, the intended street may be laid out and made upon the level and of the width specified in the notice.

**201.** Whoever lays out, makes, or builds upon any such street, otherwise

Penalty.

than in accordance with the level and width so fixed or approved, shall be liable to a fine not exceeding five hundred rupees.

**202.** If any street or any part thereof, be not levelled, paved, metalled, flagged, channelled, and

Paving, &c., of streets.

served to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein:

and the expenses thereby incurred shall be paid by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses;

Provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled and sewered, on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the Municipal Fund.

**203.** If any street be levelled, paved, metalled, flagged, channelled, and

Certain streets to be deemed public and repaired by the Commissioners.

served to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by the Commissioners out of the Municipal Fund.

**204.** The Commissioners in meeting shall, from time to time, cause to be put

Names of public streets.

up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces

Penalty.

any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

**205.** The Commissioners may, from time to time, fix a number in a conspicuous place on the outer

Numbers on houses.

side of any house or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number, shall be liable to a fine not exceeding twenty rupees.

**206.** All doors, gates, bars, and ground-floor windows (whether hung or placed before or after the commencement of this Act), which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may make such alteration, and the expenses thereby incurred shall be paid by such owner.

**207.** The owner of every house in any public street shall, within fifteen days after notice from the Commissioners, put up, and

keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such house and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with

such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

**208.** The Commissioners may give notice in writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction, which, after the commencement of this Act, shall be erected or placed against or in front of such house, or which has been so erected or placed subsequent to the first of June in the year one thousand eight hundred and sixty-three, and such owner or occupier shall within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

Provided that when the expenses shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

**209.** The Commissioners may cause any projection, encroachment, or obstruction, erected or placed against or in front of any house in any public street, previous to the first of June in the year one thousand eight hundred and sixty-three, to be re-

moved, or altered as they think fit; provided that they give notice of such intended removal or alteration

to the occupier of the house against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make

reasonable compensation to every person who suffers damage by such removal or

alteration; and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed, and the amount thereof, or touching the amount of such compensation when the right thereto is admitted, the same shall be settled in the manner herein-after provided for the settlement of disputes respecting damages and expenses.

**210.** The Commissioners may give permission in writing to the owners or occupiers of houses abutting on any public street or drain or sewer to put up verandahs, balconies, sunshades, weatherframes, and the like, to project from any upper story thereof over any public street, or drain or sewer.

**211.** The external roofs and walls of huts or other buildings erected or renewed within the Town, after the commencement of this Act,

shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building, in or near any street (public or otherwise), now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after the commencement of this Act unless with the consent in writing of the Commissioners; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a fine not exceeding ten rupees for every day that such roof or wall shall continue.

**212.** The Commissioners may give notice to the owner or occupier of any house or land to trim or prune the hedges thereof

bordering on any public street to a height not exceeding seven feet; or to cut and trim trees overhanging any public street and obstructing the same or causing damage thereto;

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

**213.** No person shall deposit any building materials, or make a hole in any public street, without the permission of the Commissioners in writing; and when such per-

mission is granted to any person, he shall, at his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night.

**214.** Whoever deposits materials, or makes a hole, without such permission, or fails to fence or enclose, and light, such materials or hole, or does not remove such materials, or fill up such hole, when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

#### PART II.—Of the Drains.

**215.** All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the public streets, whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall become vested in the Commissioners.

**216.** The Commissioners in making any main or other sewers for the drainage of the Town, may, if necessary, carry such sewers through, across, or under any public street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the public streets, and (after reasonable notice in writing in that behalf into, through, or under any land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise with respect to the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**217.** The Commissioners shall maintain, and from time to time repair, and as they think fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers and drains vested in them:

and may discontinu, close up, or destroy such of them as they may deem useless or unnecessary.

If by reason of anything done under this section, any person is deprived of the lawful use of any sewer or drain, the Commissioners shall at a place within one hundred feet of the sewer or drain, of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall, as the Commissioners shall direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

**218.** The Commissioners shall, so far as the Municipal Fund permits, cause the sewers and drains vested in them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied;

and for the purpose of flushing, cleansing, and emptying the same, may construct and place, either above or underground, reservoirs, sluices, engines, and other necessary works;

and may also, with the sanction of the local Government, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purpose as may be deemed most expedient, but so that the same shall not become a nuisance.

**219.** When the contents of any sewer or drain, or any other flow of filth or refuse, are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the Local Government, so far as the Municipal Fund permits, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

**220.** If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

**221.** Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding two hundred rupees.

**222.** If any house or land within the Town and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient drains or pipes communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, covered drains, or pipes, of such materials, of such size, at such level, and with such fall, as they shall think necessary for the complete draining of such house or land;

and the expenses thereby incurred shall be paid by the owner.

**223. The Commissioners themselves may construct and lay down such portions of the drains mentioned in sections two hundred and seventeen, two hundred and twenty-two, two hundred and twenty-five, and two hundred and twenty-six as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.**

Commissioners may construct certain portions of drains under public drains and streets.

twenty-two, two hundred and twenty-five, and two hundred and twenty-six as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.

**224. The Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.**

Supervision of certain works.

mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

**225. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;**

Group or block of houses, &c., may be drained by a combined operation.

separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;

and the expenses thereby incurred shall be paid by the owners of such houses in such proportions as shall to the Commissioners seem fit.

**226. All sewers and drains in streets (public or otherwise), shall be provided by the Commissioners or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.**

Sewers in streets to be covered with traps, &c.

or otherwise), shall be provided by the Commissioners or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same;

and the expenses thereby incurred shall be paid by the owner.

**227. The Commissioners may erect on, or fix to any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.**

Power of Commissioners to erect or affix to building pipes for ventilation of sewers.

any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

**228. All branch-drains, as well within as without the house or land to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Commissioners and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs**

Branch-drains, privies, &c., to be under the control of the Commissioners and to be kept in good order by owners.

and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs

and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued;

and if the owner of any house or land to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, lay water to, connect with a sewer, repair, stop up, demolish, or put in good order the same, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, or put in good order,

and the expenses thereby incurred shall be paid by the owner.

**229. If any branch-drain, privy, or cess-pool be constructed contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners constructs, re-builds, or unstops, any branch-drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool, as they think fit;**

Commissioners may alter any drain, &c., made contrary to their orders.

be constructed contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners constructs, re-builds, or unstops, any branch-drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool, as they think fit;

and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped.

**230. Whoever constructs any drain, privy, or cess-pool, after the commencement of this Act, contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.**

Penalty for persons making or altering drains, contrary to the orders of the Commissioners.

or cess-pool, after the commencement of this Act, contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

**231. The Commissioners, or any Officer authorized by them in that behalf, may inspect any branch-drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached, may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be;**

Inspection of drains, privies, and cess-pools.

may inspect any branch-drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached, may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be;

and if, upon such inspection, it appears that such drain, privy, or cess-pool is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong;

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

**232.** Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen, or stable refuse, or any broken glass or earthen-ware, or other rubbish, or, until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**233.** No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use. Any person upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within forty-eight hours of the receipt of a written notice from the Commissioners.

**234.** Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding three rupees, for every day that the latrine, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid.

### PART III.—Of General Conserancy.

**235.** The Commissioners, from time to time, may appoint

- (a) the hours within which night-soil or other offensive matter may be removed;
- (b) the kind of cart or other receptacle in which it may be removed;
- (c) the route by which such cart or receptacle shall proceed.

**236.** When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such offensive matter at any time, except within the hours so fixed, and also, whoever

at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel, other than that approved and sanctioned by the Commissioners, or slops or spills any such offensive matter in the removal thereof, or

does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

places or sets down in any public place any vessel containing such offensive matter, or drives, or takes, or causes to be driven, or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice appointed for that purpose by the Commissioners, shall be liable to a fine not exceeding twenty rupees for every such offence.

**237.** The Commissioners shall, from time to time, appoint or provide places for the deposit of dust, dirt, filth, and any other refuse whatsoever collected and removed in accordance with this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act.

**238.** Whoever, being the occupier of any house or land, keeps or suffers to be kept any dirt, dust, filth, or refuse of any kind whatsoever for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**239.** All dirt, dust, filth, and any other refuse whatsoever, collected from the streets (public or otherwise), houses, privies, sewers, and cess-pools shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the Municipal Fund.

**240.** If any house or land, by reason of abandonment, or of disputed ownership, or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons; or become in a filthy or unwholesome state; or be complained of by any two or more of the neighbours as a nuisance,

the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming, or believed to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same; and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be paid by the owner, or, in case of abandonment or disputed ownership, by the sale of any materials found upon such house or land, and the provisions of section two hundred and sixty-seven shall be applicable to such sales.

**241.** The Commissioners may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessities and urinals,

and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

**242.** The Commissioners may license, for any period not exceeding one year, such necessities for public accommodation, and such tola melters' depôts as they may, from time to time, think proper; and may at any time, on giving one month's notice, cancel any license granted under this section, if it shall seem proper to them to cancel it.

No person shall carry on the business of a tola melter without obtaining a license from the Commissioners.

**243.** Whoever keeps any public necessary, or any tola melters' depôt without a license, as mentioned in the last preceding section, or having a license, suffers such public necessary or tola melters' depôt to be in a filthy or noxious state, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence; and whoever shall carry on the business of a tola melter without obtaining a license from the Commissioners shall be liable to a fine not exceeding twenty rupees.

**244.** The Commissioners in meeting other than an ordinary meeting, may, by advertisement in at least two of the daily newspapers published within the Town and by placards posted up in conspicuous places throughout the Town, or any portion thereof, declare that the duties usually performed by tola melters within the boundaries specified in the aforesaid advertisement shall be performed by an establishment under the control of the Commissioners, and the Commissioners shall make suitable provision accordingly.

When the Commissioners have made such provision, the occupier of any house or land in respect of which such duties are performed shall be liable to pay in respect of the same such fees as may be imposed by the Commissioners in meeting, other than an ordinary meeting; and the said fees shall be recovered from such occupier as a rate under Chapter VI.

**245.** The owner or occupier of any land having a privy on it shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood: and no person shall keep a privy with a door or trap-door opening on to any street (public or otherwise) or drain.

Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine not exceeding ten rupees, and to a further fine, not exceeding five rupees, for each day the offence is continued after he has been convicted of such offence.

Provided that the Commissioners may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trap-door opening on to any street (public or otherwise) where such privy already exists and does not create a nuisance.

**246.** If the Commissioners think that any privy or additional privy should be provided for any house or land, the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-supply, to be constructed in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such privy, together with the necessary pipes, drains, and water-supply, to be so constructed, and the expenses thereby incurred shall be paid by the owner.

**247.** No milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages shall keep any animals, sheep, goats, or horned cattle within the Town for the purposes of trade or business except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, on the first day of January and the first day of July in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit, and to impose a fee not exceeding five rupees in respect of the same.

**248.** Whoever, being a milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, keeps any animals, sheep, goats, or horned cattle without such license, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**249.** Whoever, being the holder of a license under section two hundred and forty-seven, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

**250.** No person shall keep any pig-stye within the Town to the front of any street (public or otherwise), not being shut out therefrom by a sufficient wall or fence, and no person shall keep within the town, without the permission of the Commissioners, more than ten pigs, or more than twenty sheep or goats.

**251.** Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**252.** When the pavement or surface of any public street, or when any sewer or drain, shall be opened or broken up by the Commissioners, they shall, with all convenient speed,



complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

**253.** If the Commissioners deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works, laid in any street, (public or otherwise) they may, from time to time, by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Commissioners direct.

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong, as to all other persons.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**254.** If the person to whom any such pipes or works as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered, as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

**255.** The Commissioners may, at their discretion, set apart any public ghāt or place (not being private property, or part of the river or river bank of the Port of Calcutta), for the purpose of being used as a bathing place; provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in; and set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

**256.** Whoever bathes in any public place, except the places provided or set apart under the

last preceding section, shall be liable to a fine not exceeding fifty rupees.

**257.** When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health or to be offensive to the neighbourhood, the Commissioners may require, by notice in writing, the owner of the same to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners, their Officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expenses thereby incurred shall be paid by the owner.

**258.** Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**259.** The Commissioners may from time to time, as they shall think fit, cleanse any hole, tank, &c., on private premises, belonging to them, and cleanse or fill up, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure), which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

**260.** The Commissioners, in executing any works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**261.** The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses; and shall cause such bars, chains, or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle, or animals, while such works are carried on, as to them shall seem proper; and shall cause any sewer or drain, or other works in streets (public or otherwise), during the

Power to fill up unwholesome tanks, &c., on private premises.

Penalty.

Power to drain off and cleanse unwholesome tank, &c., on private premises.

Commissioners in executing works to provide proper drains, &c.

There to be erected across streets during repairs, and lights placed at night.

Commissioners may set apart bathing places, &c.

Penalty.

construction or repair thereof by them, to be sufficiently lighted and guarded during the night.

**262.** If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom;

and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected, or enclosed.

**263.** Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

#### PART IV.—Of Building Regulations.

**264.** The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of any public street in which such house is situated.

**265.** When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has been taken down in order to be re-built or altered, the Commissioners may require the same to be set back to or towards the line of the street or the line of the adjoining houses.

Provided that the Commissioners shall make full compensation to the owner of any such house for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**266.** If any house, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or to the neighbouring houses, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of such house, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such house, wall, or thing affixed thereon as the case shall require.

If such owner or occupier do not begin to take down, repair, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and the expenses thereby incurred shall be paid by the owner.

**267.** If any such house, or wall, as is mentioned in the last preceding section, or any part of the same, be taken down as in such section mentioned, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any surplus arising from such sale to the owner of such house, or wall, on demand.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

**268.** Before beginning, within the Town, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

**269.** Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or, if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

**270.** If such building as is mentioned in section two hundred and sixty-eight be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require;

and the expenses thereby incurred shall be paid by the person failing to comply with the provisions aforesaid.

**271.** If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house therein referred to,

according to the levels and width of foundation shown on such plan :

Provided that such building or re-building be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

**272.** Every person intending to build or take down any house, or to alter or repair the outward part of any house, where any public street will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

**273.** Every person, who begins to build, or to take down or alter, or repair any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Commissioners, within eight days, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

House over sewers, &c., not to be erected without consent of the Commissioners.

their written consent ;

and if any house be so erected, the Commissioners may cause such house to be pulled down or otherwise dealt with as they may think fit ;

and the expenses thereby incurred shall be paid by the person so erecting the house.

**275.** No house shall be built within the Town upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers.

**276.** If any house newly erected or re-built within the Town have such means of drainage, as in the last preceding section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house of such materials, of such size, at such

level, and with such fall as the Commissioners may direct ;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

**277.** It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing at the commencement of this Act, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public street.

**278.** If any such huts or sheds be built without giving such notice to the Commissioners or otherwise than as required by the Commissioners, the Commissioners may give notice to the owner or occupier thereof, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary ; and it shall be lawful for the Commissioners, if they shall think fit so to do, to cause the same to be taken down and removed, and the expense incurred thereby shall be paid by the said owner or occupier thereof, and shall be recoverable as hereinafter provided.

**279.** Whoever erects a hut or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing contrary to the provisions of section two hundred and seventy-seven, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

#### PART V.—Of Sanitary Measures with regard to Blocks of Huts.

**280.** Whenever the Commissioners in meeting, other than an ordinary meeting, are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the Town is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

**281. On receipt of the said report the Commissioners in meeting, other than an ordinary meeting,**

*On receipt of report Commissioners may cause notice to be served.*

may cause a notice to be served upon the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

**282. If after the service of the said notice, such**

*Commissioners may carry out works if owners or occupiers refuse.*

owners or occupiers, or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed, and the expenses thereby incurred shall be paid by the owner of the land.

**Provided that the Commissioners in meeting,**

*Expenses may be recovered by instalments or remitted in case of poverty.*

other than an ordinary meeting, may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

**283. If any of the said huts be pulled down, the**

*Sale of huts.*

Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent court for the payment of the same.

The Court of Small Causes shall be deemed a competent court for that purpose.

**284. In case the Commissioners should omit**

*If Commissioners fail to act, Local Government may take steps.*

to take any action under sections two hundred and eighty-two and eighty-one, or in the opinion of the Local Government should fail to give effect to the provisions thereof, the Local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in writing to the Local Government on the sanitary condition of the locality and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

**285. On receipt of the said report the Local**

*On receipt of report Local Government may order Commissioners to serve notice on owners.*

Government may order the Commissioners to serve a notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time to be fixed by the Local

Government for such purpose, all or any of the works specified in the said report, or any portion thereof respectively; and upon service of the said notice the Commissioners may proceed as provided in section two hundred and eighty-two, and shall be liable to all or any of the obligations imposed upon them by section two hundred and eighty-three.

**286. If the Commissioners make default in carrying out the said order of the**

*If Commissioners make default in carrying out order, Local Government may carry them out.*

Local Government, the Local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and eighty-one and two hundred and eighty-two, as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and eighty-three, and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land.

**Provided that the Local Government may**

*order the expenses so incurred to be recovered by instalments or remitted in case of poverty.*

order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to the Local Government that the said owner is by reason of poverty unable to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

**CHAPTER XII.****OF SANITARY MATTERS.****PART I.—Of Slaughter-houses, Food, Drink, Drugs, and Offensive Trades.****287. No place shall be used as a slaughter-**

*No place shall be used as a slaughter-house without a license from the Commissioners.*

house within the Town or Suburbs unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time, grant such license.

Provided that no such license be granted by the Commissioners for the use of any place situated in the Suburbs as a slaughter-house without the permission in writing of the Municipal Commissioners of the Suburbs, unless such place has been used as a slaughter-house before the commencement of this Act; and provided further that all fees levied by the Commissioners for licenses to use places situated in the Suburbs as slaughter-houses be paid by the Commissioners to the Municipal Commissioners of the Suburbs.

**288. The Commissioners in meeting, other**

*Commissioners to provide places for slaughter-houses.*

than an ordinary meeting, may, from time to time, if they shall think fit, provide places within or without the Town for the purpose of being used as slaughter-houses; and all places within or without the town heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.

Provided that the Commissioners shall annually pay one thousand rupees to the Municipal Commissioners of the suburbs by way of license fee

for the slaughter-house established by the Commissioners at Tenguah.

**289.** Every owner, or occupier, or farmer, Markets, slaughter-houses, &c., to be properly drained. of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and if required so to do by the Commissioners shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place or slaughter-house in a clean and wholesome state.

**290.** If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding fifty rupees for every day during which such default is continued.

**291.** Any Justice of the Peace, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article which has been powdered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale, may grant a warrant to enter upon the premises of such person, and to search for and seize such article;

and if it appear to the said Justice of the Peace that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

**292.** The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same.

and if it appear to a Justice of the Peace that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

**293.** Any Justice of the Peace before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, the license granted to him under section two hundred and eighty-seven;

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

**294.** Whoever, during the period for which any such license is suspended, or after the same is cancelled as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted such offence.

**295.** No place shall be kept for the sale of drugs unless the same shall have been registered in the office of the Commissioners. Any keeper of such place failing to register the same within two months after the commencement of this Act shall be liable to a fine not exceeding fifty rupees.

**296.** The Commissioners or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt, specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Justice of the Peace that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed or to be so disposed of as to him may seem fit; if it shall appear to the said Justice that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Justice of the Peace, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

**297.** The owner or occupier of every place within the Town, used for any of the following purposes, namely—

- (a) melting tallow;
- (b) boiling oil or blood;
- (c) as a soap-house;
- (d) oil-boiling-house;
- (e) dyeing-house;
- (f) tannery;
- (g) brick, pottery, or lime kiln;
- (h) sago-manufactory;

(i) manufactory or place of business from which offensive or unwholesome smells arise;

(j) or as a yard or dépôt for hay, straw, wood, or coal;

shall register the same at the office of the Commissioners in a book to be kept by them for that purpose.

298. No place shall be newly used within the

No such trade allowed without license.

Town for any of the purposes mentioned in the last preceding section except

under a license from the Commissioners, who may, at their discretion, from time to time grant such license.

299. Whoever, without a license, uses any such place for any such purpose,

Penalty.

shall be liable to a fine not exceeding five hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence is continued after he has been convicted of such offence.

300. If it be shown to the satisfaction of the

Commissioners may in certain cases order the use of slaughter-houses, and the carrying on of dangerous and offensive trades, to be discontinued.

Commissioners that any place, licensed under section two hundred and eighty-seven or two hundred and ninety-eight, or registered

under section two hundred and ninety-seven, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

301. Whoever, after the expiration of such time, uses such place, or permits it to be used, in

Penalty.

such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding one hundred rupees, for each day during which the offence is continued after he has been convicted of such offence.

## PART II.—Of Burial and Burning Grounds.

302. The Commissioners may, if they think fit,

Burial and burning grounds to be registered.

cause a survey and measurement to be made of every burial and burning ground

and every place used as such; and every burial and burning ground, and every place used as such, shall be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose.

303. Whoever uses any such place as is mentioned in the last preceding

Penalty.

section without the same being registered, shall be

liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

304. Whoever knowingly buries or burns, or

Penalty.

causes, procures, or suffers to be buried or burned, any

corpse in or on any ground not registered as a burial or burning ground, shall

be liable to a fine not exceeding one hundred rupees.

305. No vault or grave shall be made within

No vault or burial or burning place hereafter to be constructed without leave of the Commissioners.

the walls of, or underneath, any church, chapel, or other place of public worship, and

no burial or burning ground, whether public or private, shall be opened, made or formed, otherwise than by, or under the authority of the Local Government, without a license, describing the extent and boundaries thereof, previously obtained from the Commissioners in meeting, other than an ordinary meeting, who may at their discretion, from time to time, grant such license.

306. Whosoever shall bury or burn, or cause,

Penalty.

permit, or suffer to be buried or burned, any corpse in any

vault, grave, or burial or burning ground, opened, made or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding five hundred rupees.

307. If the Commissioners, in meeting other

Commissioners to issue certificates prohibiting the use of improper burial and burning places.

than an ordinary meeting, with the sanction of the Local Government, shall certify,

in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any churchyard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned, any corpse in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette*, and a translation thereof in Bengalee shall, in the case of a Burial or burning ground, be affixed conspicuously on some part of the said ground.

308. Whoever, after due publication of such

Penalty.

certificate, buries or burns, or causes, permits, or suffers to be buried or burned, any

corpse contrary to the last preceding section, shall be liable to a fine not exceeding two hundred rupees.

309. Notwithstanding any certificate under

Commissioners may, in certain cases, permit interment in churches, &c.

section three hundred and seven, where, by usage or otherwise, there is any right

of interment in or under any church or chapel, or in any vault of such church or chapel, or of any churchyard, burial ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment has been pur-

chased or acquired, the Commissioners may, if, on application made to them, they are satisfied that the exercise of such right, or the use of such ground will not be injurious to health, grant a license for such exercise or use, during such time and subject to such conditions and restrictions as they may think fit.

**310.** The Commissioners in meeting, other than an ordinary meeting, may provide places to be used as burial or burning grounds, with the sanction of the Local Government, provide fitting places to be used as burial or burning grounds.

## CHAPTER XIII.

### OF MARKETS.

**311.** The Commissioners in meeting, other than an ordinary meeting, may from time to time, if they shall think fit, with the sanction of the Local Government, provide places within the Town for the purpose of being used as Municipal Markets, and the Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in, such markets, and for the use of shops, stalls, and standings therein.

**312.** All such rents, tolls, and fees, which shall be imposed, shall be recoverable by the Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

**313.** The Commissioners in meeting, other than an ordinary meeting, may from time to time, if they shall think fit, with the sanction of the Local Government, acquire land by purchase, lease, or otherwise, in order to provide places within the Town for the purpose of being used as Municipal Markets, and for the like purpose may purchase or take on lease any land now used within such limits as a market, or registered as such, upon such terms, or subject to such conditions as they may consider necessary, and may appropriate any land now vested in or belonging to them, and may set out the whole or such parts thereof as they may think necessary for the purposes of such Municipal Markets, and thereupon from time to time may build and maintain such Municipal Markets and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such Municipal Markets, and for the weighing and measuring goods sold in such Municipal Markets, and on such land as aforesaid, or on other land purchased for that purpose, and may make and maintain all such roads and approaches thereto as they may think necessary, and from time to time, in addition to the bye-laws provided in Chapter XVI, may make such bye-laws as they may think fit for all or any of the following purposes:—

(a) for regulating the control and use of such markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto;

(b) for preventing the use therein of false or defective weights, scales, or measures;

(c) for preventing the sale, or exposure for sale therein, of unwholesome meat, fish, or provisions;

(d) for the establishment and publication of a price-current, and for prescribing the mode of sale of articles, whether by measure, weight, tale, or piece;

(e) for keeping such markets in a cleanly and proper state, and for removing filth and refuse therefrom.

**314.** The Commissioners may expel from any such Municipal Market any person who, or whose servants, may be convicted of disobeying any bye-law made under the last preceding section, and may prevent such person, by himself or his servants, further carrying on any trade or business in such market, or occupying any stall or shop therein, and may determine any lease or tenure which such person may have in any such stall or shop.

**315.** The Commissioners in meeting, other than an ordinary meeting, may sell, or let to tenants on lease or otherwise on such terms as they may think fit, any Municipal Market, or any part thereof, and may do all things necessary for carrying the provisions of this section into effect.

**316.** The Commissioners in meeting, other than an ordinary meeting, may close any Municipal Market, or any part thereof, or sell, or let out to tenants, on lease or otherwise, any land heretofore used as a Municipal Market, or any part thereof, on such terms as they may think fit, and may do all things necessary for carrying the provisions of this section into effect.

**317.** The Commissioners in meeting, other than an ordinary meeting, may out of the Municipal Fund and out of the monies borrowed under the provisions of this Act, and out of monies derived from the rents of buildings, stalls, pens, or standings in any Municipal Market, and from any fees realized from any Municipal Market, expend such sums of money as they may think necessary for the construction, maintenance, and keeping such Municipal Market in repair, and for any other purpose or purposes which the Commissioners may deem necessary for establishing or carrying on the same or conducive thereto.

**318.** It shall be within the discretion of the Commissioners in meeting, other than an ordinary meeting, to grant licenses for the use of any place as a market for the sale of meat, fish, fruit, and vegetables within the Town, and every such license shall be in force until the first day of January next ensuing the day therein named for the commencement thereof.

Nothing contained in this section shall be held to impose upon any person the obligation of taking out a license for a market which has been registered under section 6 of Bengal Act VIII of 1871.



**319.** Whoever wilfully or negligently permits any place within the Town (not being a market which has been registered under section 6 of Bengal Act VIII of 1871) to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence shall be continued after he has been convicted of such offence.

**320.** Whenever three convictions under the provisions of the last preceding section shall have been pronounced in respect of the same place within the space of one year, it shall be lawful for any Police Magistrate of Calcutta, on the application of the Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed, shall be liable to a fine not exceeding ten rupees.

**321.** The Commissioners in meeting, other than an ordinary meeting, may define, fix, and determine what portions of any market or bazar within the Town shall be thrown into, and made part of, the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazar a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

The Commissioners in meeting, other than an ordinary meeting, may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him within a time to be specified therein to execute the necessary works and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways;

and may, in case of such default, by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

The Commissioners in meeting, other than an ordinary meeting, may from time to time vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

Whoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

**322.** Whenever any person who shall have been convicted of any offence under this Chapter, or against any of the bye-laws made or to be made under this Chapter in respect to markets, shall again be convicted of an offence against the same provision, the fine to be inflicted for the first of such subsequent offences shall not be less than one moiety of the maximum fine provided for such offence, and for the second and every subsequent offence shall not be less than such maximum fine.

## CHAPTER XIV.

### OF THE GENERAL POWERS OF THE COMMISSIONERS

#### PART I.—Of Rights of Entry.

**323.** The Commissioners shall, for the purposes of this Act, have power, by themselves or their officers, between sunrise and sunset, to enter upon any house or land, as well for the purpose of making any inspection, survey, or measurement, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act.

Provided that, except as herein otherwise provided, the Commissioners or their officers shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intention to do so.

**324.** The Commissioners, or their officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice of such their intention to the owner and occupier of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

**325. For the purpose of laying pipes or constructing aqueducts for bringing water into the town from any place without the limits thereof, or for the**

Powers to be exercised by the Commissioners when constructing drains and aqueducts without the town.

purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course without the said limits, the Commissioners, their officers, and servants may, whenever a plan for laying down any such pipes or constructing any such aqueduct, sewer, or drain, shall have been approved by the Local Government, exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain, are to run, all the powers which by this Act they may exercise within the town, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain, are to run, may exercise, in respect thereof, the like powers and jurisdiction within the limits of his own district as a Justice of the Peace may under this Act exercise in respect of any work to be executed by the Commissioners within the town.

**326. Whoever at any time obstructs or**

Penalty for obstructing persons employed by the Commissioners in their duty.

molests any person employed by the Commissioners (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue of or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding two hundred rupees, or in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

**PART II.—Of the Purchase and Sale of Land.****327. The Commissioners in meeting, other**

Commissioners may purchase, sell, and lease land for the purposes of this Act.

than an ordinary meeting, may purchase land, whether within or without the Town, for any of the purposes of this Act, and may sell any land vested in them and not required for the purposes of this Act, or may dispose of the same on lease; and the Commissioners may receive the rent of the same on such terms as they may think fit.

**328. The Commissioners in meeting, other**

Commissioners may rent and take on lease land.

than an ordinary meeting, may from time to time pay rent for, or take on lease, on such terms as they may think fit, any land required for the purposes of this Act.

**329. Any land required for the purposes of**

Land may be acquired under Land Acquisition Act.

this Act may be acquired under the provisions of the Land Acquisition Act, 1870, and on payment by the Commissioners out of the

Municipal Fund of the compensation payable under such Act, the land shall vest in them for the purposes of this Act.

**PART III.—Of Railways.****330. The Commissioners in meeting, other**

Power to construct railway.

than an ordinary meeting, may, upon any of the public streets in the Town or upon any land within or without the Town, which is vested in the Commissioners, construct or maintain any railway which to the Commissioners may appear to be useful or necessary for the purposes of this Act,

and use and employ upon any such railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power and such carriages and wagons to be drawn or propelled thereby,

and carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof as they may from time to time determine upon.

**331. The Commissioners in meeting, other than**

Power to permit carriages to run on railway.

an ordinary meeting, from time to time may enter into any contract with any person, for the passage over any railway already constructed by the Commissioners, or hereafter to be constructed by them, of the engines, wagons, or other carriages of such person, upon the payment of such tolls or rent and under such conditions and restrictions as may be mutually agreed upon.

**332. The Commissioners in meeting, other**

Power to lease railway.

than an ordinary meeting, may lease any railway constructed or to be constructed by them under the provisions hereinbefore contained to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon, and every person to whom any such railway shall be so leased by the Commissioners shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting, other than an ordinary meeting, may, from time to time, enter into any contract with any person for the purpose of the construction of any railway within or without the Town, and for the purpose of maintaining and working of the same.

**PART IV.—Of Hospitals.****333. The Commissioners in meeting, other**

Power to support hospitals.

than an ordinary meeting, may apply such sum as to them may seem proper in or towards the maintenance and support of such hospitals for such purposes as they may think fit.

## CHAPTER XV.

## OF THE MUNICIPAL DEBT.

## 334. For the construction of works of a per-

*Power to Commissioners to borrow on the security of rates and taxes.*

manent nature under this Act, the Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the Local Government, from time to time, borrow by way of debenture on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest, and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

## 335. All the debentures aforesaid, issued

*Form of security.*

under the authority of this Act, shall be in the form contained in the seventh schedule, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

## 336. The Commissioners in meeting, other

*Payment of monies due on old debentures by issue of fresh debentures.*

than an ordinary meeting, may at any time, with the sanction of the Local Government, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

## 337. The Commissioners shall set aside yearly

*Establishment of reserve fund.*

out of their annual income, before making any disbursements in respect thereof, firstly—such sum as may be required for the payment of the interest which may fall due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed; secondly—a sum of not less than two per cent. on the total sum borrowed by the Commissioners for the purposes of any enactment hereby expressly repealed exclusive of the sum now due, or of any sum which may hereafter become due, by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year.

And they shall invest the surplus (if any, of

*Surplus to be invested.*

the said sum after repayment as aforesaid, or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Commissioners.

And all moneys and securities now held by any Trustees for the Commissioners for the purpose of paying off any sum borrowed by them, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

## 338. The Trustees shall from time to time,

*Appropriation of reserve fund.*

whenever any loans or debentures shall fall due by the Commissioners, realize the whole or a sufficient portion of the securities held by them as aforesaid, and appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures.

## 339. The Trustees shall, at the end of every

*Account of reserve fund.*

year, submit a statement to the Commissioners showing the amount which has been invested during the year under section three hundred and thirty-seven, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Such statement shall be laid before the Commissioners and published in the *Calcutta Gazette*.

## CHAPTER XVI.

## OF BYE-LAWS.

## 340. The Commissioners may from time to

*Power to make bye-laws.*

time make bye-laws, not inconsistent with the provisions of this Act, to regulate—

- (a) all matters and things connected with the supply and use of water;
- (b) the time and places of bathing for persons of each sex in places provided or set apart for bathing purposes;
- (c) the deposit of dirt, dust, filth, and refuse of any kind whatsoever, the removing and carrying away the same, and charging the person making the deposit with the expenses of removing it;
- (d) the duties to be performed by tolai melters under section two hundred and forty-four, and the boundaries within which they are to be performed;
- (e) the management and charges for places provided for slaughter-houses under section two hundred and eighty-eight;
- (f) the inspection and management of, and conduct of, business in markets and slaughter-houses, and the keeping the same in a proper and cleanly state;
- (g) the inspection of places used for any of the purposes mentioned in section two hundred and ninety-seven, and the management and conduct of business within the same;
- (h) the inspection and management of burial and burning grounds;
- (i) and generally for carrying out the purposes of this Act.

**341.** The Commissioners may from time to time repeal, alter, or add to their bye-laws.

**342.** No bye-law, and no repeal or alteration of, or addition to, any bye-law shall have effect until the same has been confirmed by the Local Government.

**343.** No bye-law, and no repeal or alteration of, or addition to, any bye-law shall be confirmed until the same has been published in the English and Bengalee Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to, any bye-law shall be kept at the office of the Commissioners; and all persons may at any time between ten o'clock in the morning and five o'clock in the afternoon inspect such copy without fee.

**344.** Every bye-law and every repeal or alteration of, or addition to, any bye-law, when confirmed, shall be published in the English and Bengalee Government Gazettes, and a copy thereof in English and Bengalee shall be painted or placed on boards which shall be hung up in some conspicuous part of the office of the Commissioners.

**345.** Whoever infringes any bye-law made and confirmed under this Act shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

## CHAPTER XVII.

### OF PROSECUTIONS.

**346.** The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the punishment of any person offending against any of the provisions of this Act, and for the recovery of any fines imposed under this Act, and may order the expenses of such prosecutions and proceedings to be paid out of the Municipal Fund.

Provided that nothing herein contained shall preclude any person from instituting a prosecution for nuisance, or from giving information and instituting a prosecution under the next succeeding section.

**347.** Every prosecution under this Act, except as provided in section three hundred and forty-nine, may be instituted before any Justice of the Peace:

and every fine imposed under this Act may be recovered by a summary proceeding before any Justice of the Peace upon an information exhibited by order of the Commissioners, and in default of payment of such fine, the same may be levied under the warrant of such Justice of the Peace by distress and sale of the moveable property of the offender, with all such

powers for the issuing of such warrant, and upon the return thereof, as are exercised by a Magistrate of Police under the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the Police of the Town of Calcutta.

And if the fine cannot be so levied, the offender may be punished by such Justice of the Peace with rigorous or simple imprisonment, as defined in section 53 of the Indian Penal Code, for a term not exceeding two months.

**348.** Whenever any prosecution shall be instituted before any Justice of the Peace under this Act, he may summon the person

charged to appear at a time and place to be mentioned in the summons; and if such person shall not so appear, such Justice of the Peace may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Such Justice of the Peace may exercise all such powers connected with the summoning, and enforcement of the attendance of witnesses, and the production of documents, as are conferred on a Magistrate by the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the procedure of the Police Magistrates' Courts in Calcutta.

**349.** Every prosecution under section forty-one shall be instituted before such Magistrate or Court as would have jurisdiction to entertain a charge of the nature described in section 161 of the Indian Penal Code.

**350.** The Justice of the Peace by whom any fine is imposed under this Act, may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder, or, if he make no award to the informer, the whole of such fine, to be paid to the Municipal Fund.

**351.** No person shall be liable to any fine under this Act for any offence cognizable by a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace, within two months next after the commission of such offence:

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

**352.** If through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine;

and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

## CHAPTER XVIII.

## OF THE RECOVERY OF DAMAGES AND EXPENSES.

**353.** Where any damages, costs, or expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Small Causes.

Provided that when any work is executed by the Commissioners under this Act in default of the owner or occupier of the house or land doing such work, the expenses thereby incurred may be recovered by the Commissioners as a rate under Chapter VI.

**354.** In any case which is to be determined by the Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and, for that purpose, may examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of the said Court which shall determine the amount thereof.

**355.** If the amount of damages, costs, or expenses, ascertained in the manner above described, be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

**356.** Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

## CHAPTER XIX.

## MISCELLANEOUS.

**357.** No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit, and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue, and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

**358.** The Commissioners may make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers, or servants under this Act.

**359.** When any license is granted under section two hundred and forty-two or two hundred and eighty-seven authorizing the use of any place for therein described, and when permission is given under section two hundred and ten for putting up any projection, the Commissioners may charge a fee not exceeding one hundred rupees for such license or permission.

When permission is given under section one hundred and ninety-nine to make any temporary erection, the Commissioners may charge a daily fee not exceeding one hundred rupees for such permission.

**360.** When permission is given under section two hundred and thirteen or section two hundred and seventy-two, the Commissioners may charge rent for any land made use of in pursuance of such permission.

**361.** Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or by any person authorized by them in that behalf, produce such license to the Commissioners or to the person so authorized.

**362.** Whoever fails to produce his license when required to do so as aforesaid, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

**363.** Every notice, bill, form, summons, or notice of demand under this Act may be served personally on or presented to the person to whom the same is addressed,

or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office,

or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode,

or of his place of business,

or of the house or land in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

**364.** Where any notice is required to be given to the owner or occupier of any house or land, such notice addressed to the owner or occupier, as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned.

Provided that when the owner and his place of abode are known to the Commissioners they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any house or land to be served on such owner or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land in respect of which the notice is served.

**365.** Whenever any work is required by this Act to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed;

and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and in default of payment thereof the same may be recovered as a rate under Chapter VI.

**366.** If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or at any time thereafter, occupies the house or land under such owner, and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

and every such occupier shall be entitled to deduct, from the rent payable by him to the owner, so much as is so paid by, or recovered from, him in respect of any such expenses.

**367.** No occupier of any house or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him, for the house or land in respect of which such expenses are payable; at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable,

but nothing in this section shall affect any special contract made between any such owner or occupier, respecting the payment of the expenses of any such works as aforesaid.

**368.** Whenever default is made by the owner of any house or land, in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

**369.** If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of any house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace may, in writing, require such occupier to permit the owner to execute all such works, with respect to such house or land, as may be necessary for carrying this Act into effect;

and if after the expiration of eight days from the date of the order such occupier continue to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

**370.** Whoever, being the occupier of any house or land, fails to comply with any requisition made by a Justice of the Peace under the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

**371.** No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

**372.** Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections two hundred, two hundred and seventy-four, two hundred and seventy-six, and two hundred and seventy-eight, the owners of any houses or lands are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or if they think fit, may take engagements from the said owners, for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

**373.** All police officers shall give immediate information to the Commissioners of any offence committed against this Act.

*Police officers to report offences to Commissioners and to arrest unknown offenders.*

Any police officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the police officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained at the station house until his name and address shall be correctly ascertained, or may be brought up at once before a Justice of the Peace.

**374.** If the Local Government shall have determined that any portion of the environs of the town shall be included in the system of sewerage and drainage authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then sections two hundred and fifteen to two hundred and thirty-four, both inclusive, shall have effect within the boundaries so declared;

*Certain provisions of this Act extended.*

and all such expenses and compensation as, under the said sections and by the provisions of this Act, may be determined by the Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by section 307 of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

**375.** Houses used exclusively for purposes of public worship shall be exempt from all rates and taxes which under this Act may be imposed upon houses and land within the town.

*Houses used for public worship exempt from rates and taxes.*

**376.** Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance:

(b) exempt any person guilty of nuisance from a suit in respect thereof:

(c) affect any enactment not hereby expressly repealed.

## FIRST SCHEDULE.

### BOUNDARIES OF WARDS.

(See Section 13.)

**Ward No. 1.**—Bounded on the north and east by Upper Circular Road and Mahratta Ditch; south by Grey Street; west by Upper Chitpore Road.

**Ward No. 2.**—Bounded on the north by the Mahratta Ditch; west by river Hooghly; south

by Nintollah Ghât Street; east by Upper Chitpore Road.

**Ward No. 3.**—Bounded on the north by Colta-dingee Main Road, the Mahratta Ditch, and Grey Street; south by Beadon Street and Halshi Bagan Road; west by Upper Chitpore Road; east by Mahratta Ditch.

**Ward No. 4.**—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Upper Circular Road and Mahratta Ditch; west by Cornwallis Street.

**Ward No. 5.**—Bounded on the north by Nintollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

**Ward No. 6.**—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

**Ward No. 7.**—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street, Dalhousie Square North, and Fairlie Place; east by Lower Chitpore Road; west by river Hooghly.

**Ward No. 8.**—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

**Ward No. 9.**—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by Upper Circular Road; west by College Street.

**Ward No. 10.**—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Wellington Street; west by Bentinck Street.

**Ward No. 11.**—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Lower Circular Road; west by Wellington Street.

**Ward No. 12.**—Bounded on the north by Loll Bazar Street, Dalhousie Square, and Fairlie Place; south by Esplanade Row; east by Bentinck Street; west by river Hooghly.

**Ward No. 13.**—Bounded on the north by Dhurrumtollah Street; south by Kyd Street, Free School Street, and South Culinga Street; east by Wellesley Street; west by Chowringhee Road.

**Ward No. 14.**—Bounded on the north by Dhurrumtollah Street; south by South Culinga Street; east by Lower Circular Road; west by Wellesley Street.

**Ward No. 15.**—Bounded on the north by South Culinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

**Ward No. 16.**—Bounded on the north by Kyd Street and South Culinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

**Ward No. 17.**—Bounded on the north by Theatre Road; south by Lower Circular Road; east by Lower Circular Road; west by Jail Road.

**Ward No. 18.**—Bounded on the north by Clyde Row; south by Tolly's Nullah Road; east by Kidderpore Bridge Road; west by Strand Road.



## SECOND SCHEDULE.

(See Section 65.)

## TAX ON CARRIAGES AND ANIMALS.

	Per half-year.	
	Rs.	A. P.
For every four-wheeled carriage drawn by two horses...	12	0 0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.		
For every four-wheeled carriage drawn by one horse, or pony, or mule, or a pair of ponies or mules under thirteen hands...	6	0 0
If more than one such carriage, then for every such carriage after the first two-thirds of the above rate.		
For every two-wheeled carriage	6	0 0
For every horse (not a race horse), pony, or mule...	6	0 0
For every race horse...	12	0 0
For every pony or mule under thirteen hands...	2	0 0

NOTE.—Animals under eleven hands in height, and carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted.

## THIRD SCHEDULE.

(See Section 75.)

## LICENSE ON PROFESSIONS, TRADES, AND CALLINGS.

	Yearly.	
	Rs.	
Every Joint Stock Company	100	
<i>Class II.</i>		
Every merchant, banker, shroff, banian, wholesale trader, and commission agent, and every practising surgeon, physician, dentist, architect, civil engineer, builder, contractor, carrying company, barrister, attorney, proctor, notary public and pleader of the High Court,		
Every owner or farmer of a hant or bazar	50	
Every owner of cotton, jute, hide, or other screws, and every auctioneer		
Every hotel-keeper, boarding-house keeper, lodging-house keeper, shop-keeper, plumber, gasfitter, manufacturer, or retail trader, whose shop or place of business is assessed under Chapter V at one hundred rupees a month or upwards		
<i>Class III.</i>		
Every broker or dalall employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandize	25	
Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills of exchange, and every freight broker		

## Class III.—(Continued.)

Yearly.

Rs.

Every practising licentiate of medicine, apothecary, and veterinary surgeon	
Every owner of a dispensary, spirit or liquor shop, or shop for the sale of intoxicating drugs, and punch house, or billiard room, wholesale tobacco or jute depôt	
Every owner of a steam ferry boat or cargo boat	
Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas-fitter, carriage and horse-dealer, shop-keeper, manufacturer, or trader, whose shop or place of business is assessed under Chapter V at or above twenty-five rupees, but at less than one hundred rupees a month	25
Every pawn-broker, money-lender, and every person having a shop or place of business registered under section two hundred and ninety-one or licensed under section two hundred and ninety-two	
Every pleader, mookhtear, or law agent, not included in Class II	

## Class IV.

Every hotel-keeper, boarding and lodging-house-keeper, owner of a carriage or a palanquin let out for hire, plumber, gas-fitter, band supplier, carrier, stamp vendor, carriage or horse dealer, shop-keeper, manufacturer or trader whose shop or place of business is assessed under Chapter V at or above ten rupees but at less than twenty-five rupees a month...	12
Every keeper of a permanent stall at a daily public market or in a chowk	
Every poddar or money changer	
Every hakeem and kobraj, practising native doctor	
Every order supplier, cooly supplier, shipping agent, or boatsupplier	

## Class V.

Every keeper of a shop not included in any other Class, and every dalall not included in Class III	4
Every pedlar, hawker, boxwallah, and midwife	

## Class VI.

All itinerant dealers hawking goods for sale in baskets or trays	1
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NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioners, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered payment by the firm.

## FOURTH SCHEDULE.

(See Section 122.)

## NOTICE OF DEMAND.

TAKE notice that the Commissioners of the Town of Calcutta demand from you the sum of \_\_\_\_\_ due from\* [you] as owner (or occupier) (here describe the property or thing upon which the rate or tax is imposed) for the months of \_\_\_\_\_ 187 ; and that if the sum due, together with \_\_\_\_\_ for this notice, is not paid into the office of the said Commissioners at \_\_\_\_\_

or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(L.S.) (Signature of the Chairman,  
Vice-Chairman or Secretary).

Date \_\_\_\_\_

\* In the case of a demand on the occupier of a house under section one hundred and twenty-six, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

## FIFTH SCHEDULE.

(See Section 122.)

## DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant.)

WHEREAS \_\_\_\_\_ of \_\_\_\_\_ has not paid or shown sufficient cause for the non-payment of the sum of \_\_\_\_\_ rupees due for the rates (or taxes) (or taxes and rates) mentioned in the margin for the months of ( \_\_\_\_\_ )

187 although the said sum has been duly demanded in writing from the said \_\_\_\_\_

and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the moveable property of the said \_\_\_\_\_ (or as the case may be any moveable property found on the premises referred to) to the amount of the said sum of \_\_\_\_\_

rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property; and having paid and deducted out of the proceeds of the sale the said sum of \_\_\_\_\_ rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said \_\_\_\_\_, you are to certify the same to us together with this warrant.

(L.S.) (Signature of the Chairman,  
Vice-Chairman or Secretary.)

## SIXTH SCHEDULE.

(See Section 123.)

## FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

TAKE notice that I have this day seized the moveable property specified in the above Inventory for the sum of \_\_\_\_\_ rupees due for the rates (or taxes) mentioned in the margin, for the months of \_\_\_\_\_ 187 ; and that unless you pay into the Office of the Commissioners of the Town of Calcutta the amount due, together with the costs of this distress within seven days from the day of the date of this notice, the said property will be sold.

(Signature of the Officer executing  
the Warrant of Distress.)

Date \_\_\_\_\_

## TABLE OF FEES PAYABLE IN DISTRAINTS.

(See Section 124.)

Sum distrained for.		Fees.	
		Rs.	As.
Under 5 Rupees	...	0	4
5 and under 10 Rupees	...	0	8
10	...	1	0
15	...	1	8
20	...	2	0
25	...	2	8
30	...	3	0
40	...	4	0
50	...	5	0
60	...	6	0
70	...	7	0
80	...	8	0
90	...	9	0
Above 100	...	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

## SEVENTH SCHEDULE.

(See Section 335.)

## FORM OF DEBENTURE.

The Commissioners for the Town of Calcutta.  
Calcutta, the \_\_\_\_\_ 187

No. \_\_\_\_\_

By virtue of the Calcutta Municipal Consolidation Act, 1876, we, the Commissioners of the Town of Calcutta incorporated under the said Act, in consideration of the sum of \_\_\_\_\_ rupees paid to us by A. B. of \_\_\_\_\_ promise to pay to the said \_\_\_\_\_ or order the said sum of \_\_\_\_\_ rupees after the date hereof, together with interest thereon at the rate of \_\_\_\_\_ per centum per annum, payable half-yearly, on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_

(Signature of the Chairman or Vice-Chairman and two Commissioners.)



## TENTH SCHEDULE.

(See Section 2.)

## ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.	
VI of 1863 ...	Calcutta Municipal Affairs ... ..	So much as has not been repealed.	been
Sec. 49 of III of 1864.	District Municipal Improvement ... ..	So far as the same applies to Suburbs and Ho...	applies
VII of 1865 ...	Slaughter-houses ... ..	So far as the same applies to Suburbs.	applies
IX of 1865 ...	Amendment of Bengal Act VI of 1863 ... ..	The whole Act.	been
VI of 1866 ...	Further amendment of Bengal Acts VI of 1863 ... ..	So much as has not been repealed.	been
I of 1867 ...	Explanation of Bengal Act VI of 1863 ... ..	The whole Act.	been
IX of 1867 ...	Amendment of Bengal Act VI of 1863 and VI of 1866 ... ..	So much as has not been repealed.	been
XI of 1867 ...	Pauper Hospital and Calcutta Police ... ..	The whole Act.	
V of 1868 ...	Subjecting a portion of Hastings to the Calcutta Municipal Acts.	The whole Act.	
I of 1870 ...	Calcutta Water-rate ... ..	The whole Act.	
VI of 1871 ...	Modifying and amending the constitution of the corporation of the Justices of the Peace for Calcutta	The whole Act.	
VIII of 1871 ...	Markets ... ..	So much as has not been repealed.	been
I of 1872 ...	Extending borrowing powers of the Justices and providing for the repayment of the municipal debt.	The whole Act.	
II of 1874 ...	Markets ... ..	The whole Act.	

FREDERICK CLARKE,

Offg. Asst. Secy. to the Govt. of Bengal,  
Legislative Department.

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